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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF

KANSAS TERRITORY,

FOR THE YEAR

1858:

COMMENCED AT THE CITY OF LECOMPTON JANUARY
FOURTH, AND ADJOURNED TO AND CONCLUDED

AT THE

CITY OF LAWRENCE.

PUBLISHED BY AUTHORITY.

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HOUSE JOURNAL.

LECOMPTON, KANSAS TERRITORY,
January 4, 1858.

Pursuant to the provisions of the statutes of the Territory of Kansas, the House of Representatives met at Lecompton on Monday, at 12 o'clock M., January 4th, 1858, and was called to order by Mr. Geo. W. Deitzler, Speaker of the extra session.

The following are the names of members elected from the several districts, to wit:

First Representative District, composed of Leavenworth county, Messrs. George W. Keller, H. Miles Moore, R. G. Elliott, O. A. Bassett, William M. McClure, William Pennock, Patrick R. Orr, J. P. Hatterscheidt.

Second Representative District, composed of Atchison county, Messrs. James Adkins, John Bennett.

Third Representative District, composed of Doniphan county, B. H. Brock, C. Graham, H. Stratton, J. B. Wheeler, A. A. Jameson..

Fourth and fifth Representative Districts, composed of Brown and Nemaha counties, E. N. Morrill.

Sixth Representative District, composed of Marshall county, J. P. Miller.

Seventh Representative District, composed of Jefferson county, Henry Owens and J. P. Cooper.

Eighth Representative District, composed of Calhoun county, Asa Reynard.

Ninth Representative District, composed of Riley and Pottawattamie counties, Charles Jenkins, Abram Barry.

Tenth Representative District, composed of Douglas and Johnson counties, John Speer, George W. Deitzler, Oliver Barber, Hiram Appelman, Andrew T. Still, George W. Zinn, Gideon Seymour, John Lockhart.

Eleventh Representative District, composed of Shawnee county, James A. Delong.

Twelfth Representative District, composed of Davis, Wise, Richardson and Breckinridge; Thirteenth, composed of Weller, Madison, Butler, Hunter and Greenwood; Fourteenth, Bourbon, Godfrey, Wilson, Dorn and McGee; Fifteenth, Allen, Coffey and Woodson; Sixteenth, Anderson and Franklin, John Curtis, Christopher Columbia, Samuel Stewart.

Seventeenth Representative District, composed of Linn county, A. Danford, R. B. Mitchell.

Eighteenth Representative District, composed of Lykins county, John Hanna and A. J. Shannon, there being a vacancy in the second district of one member.

There being no clerk present, Mr. Speer moved that J. Webster be elected Clerk *pro tem.*

Carried.

The roll of the House being called, thirteen members answered to their names.

Absentees—Messrs. Adkins, Barry, Bennett, Bassett, Curtis, Cooper, Delong, Danford, Elliott, Hatterscheidt, Hanna, Keller, Jenkins, Lockhart, Moore, Mitchell, Miller, Owens, Orr, Pennock, Reynard, Seymour, Still, Shannon and Stratton.

No quorum being present,

On motion of Mr. Speer,

Adjourned until to-morrow at one o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, Jan. 5th, 1858,
ONE O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Lovejoy.

Roll called, and

Twenty-three members answered to their names.

Absentees—Messrs. Adkins, Barry, Elliott, Hanna, Curtis, Bennett, Hatterscheidt, Jenkins, Speer, Moore, Orr, Pennock, Reynard, Shannon and Stratton—15.

The journal read and approved.

On motion of Mr. McClure,

Resolved, That the speaker, chief clerk, sergeant-at-arms and doorkeeper, of the House of Representatives, during the special session of the Legislative Assembly of Kansas Territory, held in December, 1857, be continued in their respective offices, and are hereby declared duly elected officers of this House, for the regular session, commencing on the first Monday in January, 1858.

On motion of Mr. McClure,

The above resolution was so amended as to add "chaplain and messenger."

Mr. Cooper moved to amend, by adopting, after the word "doorkeeper," the words "chaplain and messenger."

The resolution, as amended, was adopted.

On motion of Mr. Speer,

Mr. Stewart, member from the twelfth, thirteenth, fourteenth, fifteenth and sixteenth Representative districts, and Mr. Miller, from the sixth Representative district, not having been present at the extra session, were qualified by the speaker, and entered upon the duties of their office.

Mr. Lockhart moved that the assistant doorkeeper hold the same office during the present session.

Carried.

On motion of Mr. McClure,

Resolved, That a committee of two be appointed to notify the Council, that the House has organized by the election of the following officers:

G. W. Deitzler, speaker; C. F. Currier, chief clerk; W. B. Parsons, assistant clerk; G. F. Warren, sergeant-at-arms; F. A. Blake, doorkeeper; and are ready to proceed to business.

Carried.

The Speaker appointed Messrs. McClure and Mitchell said committee.

On motion of Mr Cooper,

The House proceeded to the election of Enrolling and Engrossing clerks.

Nominations being in order,

Mr. Owens nominated H. Rees Whitney, for Enrolling clerk.

The yeas and nays being called, Mr. Whitney received twenty-two votes, and was declared duly elected.

Nominations being in order for Engrossing clerk,

Mr. Speer nominated Guilford Dudley, of Topeka.
Mr. Barber nominated Dr. Horace Tucker, of Bloomington.
Mr. McClure nominated Mr. S. C. Russell, of Wyandott.
Mr. Danford nominated J. Webster, of Franklin county.

On motion of Mr. Appelman,

The election of Engrossing clerk was postponed until [the House should hear] of the permanent organization of the Council.

Carried.

On motion of Mr. Seymour,

The House took a recess for half an hour.

At the expiration of the recess, the House reassembled.

On motion of Mr. Bassett,

The House proceeded to the election of Speaker, *pro tem.*

Nominations being in order,

Mr. Seymour nominated Mr. Stratton.
Mr. Lockhart nominated Mr. Graham.
Mr. Owens nominated Mr. Bassett.
Mr. McClure nominated Mr. Danford.
Mr. Cooper nominated Mr. Hanna.
Mr. Danford withdrew his name.

On the first ballot, the vote was as follows:

Mr. Graham received six votes.
Mr. Hanna received six votes.
Mr. Bassett received one vote.
Mr. Speer received five votes.
Mr. Stratton received four votes.

SECOND BALLOT.

Mr. Stratton received one vote.
Mr. Hanna received eight votes.
Mr. Graham received seven votes.
Mr. Speer received six votes.

On motion of Mr. Danford, the voting was confined to the three highest candidates.

THIRD BALLOT.

Mr. Hanna received ten votes.
Mr. Graham received eight votes.
Mr. Speer received five votes.

Mr. Speer withdrew his name.

FOURTH BALLOT.

Mr. Hanna received twelve votes, and
Mr. Graham received eleven votes.

Mr. Hanna, having received a majority of all the votes cast, was declared duly elected Speaker *pro tem.*

Message from the Council, by J. K. Goodin, secretary:

MR. SPEAKER:—I am directed by the Council to present the following extract from their journal:

Resolved, That the secretary of the Council be instructed to inform the House of Representatives that the Council has been organized by the election of—

Carmi W. Babcock, President;
Cyrus K. Holliday, President *pro tem.*;
Joel K. Goodin, Secretary;
Gustavus A. Colton, Assistant Secretary;
Abraham Cutler, Sergeant-at-Arms;
Jacob Branson, Doorkeeper;
Reverend S. Y. Lum, Chaplain;
D. H. Weer, Engrossing Clerk;
B. T. Hutchins, Enrolling Clerk;
and are ready to proceed to business.

Also, the following concurrent resolution:

Resolved, By the Council and House of Representatives, (the House of Representatives concurring,) That a committee of three from each House be appointed to notify the Governor of the organization of both Houses, and their readiness to receive any communications he may have to make. Council committee—Messrs. Allen, Patrick and Root.

J. K. GOODIN,
Secretary.

On motion of Mr. Danford,

The resolutions of the Council were concurred in.

The speaker appointed Messrs. Danford, Bassett and Cooper committee on part of the House.

On motion of Mr. Seymour, the House proceeded to the election of engrossing [clerk].

On the first ballot,

Mr. Dudley received eight votes;
Mr. Tucker received six votes;
Mr. Webster received four votes;
Mr. Russell received one vote;
Mr. Smith received one vote.

SECOND BALLOT.

Mr. Dudley received eight votes;
Mr. Tucker received seven votes;
Mr. Webster received four votes;
Mr. Russell received one vote.

THIRD BALLOT.

Mr. Dudley received eleven votes;
Mr. Tucker received seven votes;
Mr. Webster received four votes;
Mr. Russell received one vote.

On motion of Mr. Danford,

The voting was confined to the two candidates having the highest number of votes.

On the fourth ballot,

Mr. Dudley received thirteen votes;
Mr. Tucker received ten votes.

Mr. Dudley, having received a majority of all the votes cast, was declared duly elected engrossing clerk, and took the oath of office as such.

The following message was received from the Acting Governor, which, on motion of Mr. Zinn, was read.

MESSAGE OF ACTING GOVERNOR DENVER.

To the Council and House of Representatives of the Territory of Kansas:

The time having arrived when, under the law, you are directed to convene for the transaction of legislative business, custom requires that I should communicate to you my views on the condition and wants of the Territory.

Having but recently arrived among you, it can hardly be expected that I should have that exact information in relation to the internal affairs of the Territory that a longer residence would have afforded; but I have seen enough to satisfy me that much of the animosity and bitter feeling, now existing, proceeds more from personal hostility than from political considerations. These had their origin in the troubles growing out of the first settlement of the country, and the vindictive feelings then engendered among the prominent actors have, in many instances, sunk into personal hatred. Thus, you find the most bitter feuds existing all over the country, which, when traced back, are found to have originated in some personal quarrel. The southern part of the Territory was lately convulsed about a claim to a quarter section of land. One man, with his friends, forcibly removed another from a claim, and, for so doing, they were arrested, under a writ issued by the United States Judges, and held to bail for their appearance at the next term of the court, to answer the charges made against them. A cry of "Persecution!" was immediately raised, and this petty difficulty was soon elevated to the dignity of a "war between the Free-State and Pro-Slavery parties," and, at one time, threatened to draw the whole Territory into the quarrel. The difficulty was not at first a political one, but it was seized upon, as a pretext for their acts, by those lawless and restless men who are never satisfied except when engaged in some broil or exciting trouble. The peace of the country is the last thing such people desire, and they eagerly seize on every petty quarrel to disturb it. Such acts are demoralizing in their effects on the public mind, and it behooves every good citizen to discountenance them, and assist in bringing the actors to punishment. To quell these disturbances, I have deemed it necessary to send a detachment of United States troops into the neighborhood, which has had the effect to restore peace to the community. The rumors of battles and killing various persons, with which the country was rife at the time, have proved to be untrue, the marauders having confined their operations to the indiscriminate plunder of friends and foes.

The affairs of Kansas have for a long time attracted much of the attention of all portions of the American Union; and it is sincerely to be hoped that the troubles which have heretofore existed among the people of this Territory are about to be peaceably adjusted. After the long continued disturbances, this will be a most gratifying result, and will give a new impetus to the prosperity and settlement of the country. Settled as this Territory has been, by people from every portion of the older States, many of whom entertained extreme views on the question of domestic slavery, it could hardly be expected that collisions would not occur; and yet, a spirit of tolerance, such as has characterized the people of our sister Territory, Nebraska, which was organized under the same law, and where slavery exists to almost, if not quite, as great an extent as it does here, might have prevented it. There, all questions of public policy have been determined by a resort to the ballot box, and all parties have yielded a ready acquiescence to such decisions. Coercive measures have never been resorted to there; and, whenever frauds have been attempted at the elections, application has been made to the proper tribunals for correction, and in no instance, as far as my information extends, without finding redress. On these subjects, the conduct of the people of Nebraska Territory is worthy of all commendation, and I sincerely hope that the great mass of the people of this Territory will follow their example.

It is much to be regretted that the federal government has been compelled to interfere in your Territorial affairs, and I trust that such interference will not be required in the future. A full and fair expression of the wishes of the people, by means of the ballot box, will settle all these political differences, and during the time that I may have control of the executive authority here, nothing shall be left undone to afford them an opportunity to give such an expression.

Much of the future peace and prosperity of this Territory depends on your legislative action, and I hope that you will be governed by calm judgment and wise counsels. Hasty or partizan legislation should be, by all means, avoided; the patriotic statesman will always be governed by considerations of public policy, keeping in view the necessities of the whole people, so as to protect and benefit the meritorious, and, at the same time, check and punish the vicious.

Before engaging in the business of legislation, however, I will direct your attention to a constitution, recently framed by a convention sitting in this place. The second section of the schedule reads as follows:

"SEC. 2. All laws now of force in the Territory of Kansas, which are repugnant to this constitution, shall continue and be of force until altered, amended or repealed by a Legislature assembled under the provisions of this constitution."

This was signed on the 7th day of November, 1857, and, under its provisions, submitted to the people on the 21st day of December last. It was again submitted to a vote of the people by an act of the Legislature, approved December 17, 1857, only one of the political parties voting at a time on these propositions, and the others absenting themselves from the polls. In this condition, it will probably be sent to Congress, and it may be as well for you to delay any important legislation until you can ascertain what action Congress will take in the premises; for, should Kansas be admitted as one of the States of the Union, under this Constitution, it would have the effect to nullify all your acts, and revive such as you may have repealed. If, however, you shall conclude to disregard this possible state of affairs, it then becomes my duty to direct your attention to some matters on which legislative action may be necessary.

The criminal laws of the Territory, owing to the disturbed state of the country, are, at present, the most important. Every offense against the laws should be followed by speedy punishment, and this should be commensurate with the degree of crime committed. That philanthropy which seeks to pardon criminals for the purpose of reforming them, will never reduce their number, or protect society from their depredations; but sure and adequate punishment is well calculated to deter others from like practices. It is impossible, however, to enforce the criminal laws without prisons in which to confine the criminals. Your earliest efforts, therefore, should be directed to the collection of revenue and the erection of prisons.

I have been informed that an organization exists in this Territory, similar to what is said to be the Danite organization among the Mormons. It is asserted that the members are bound, by the most solemn oaths and obligations, to resist the laws, take the lives of their fellow citizens, or commit any other act of violence they may be directed to do by their leaders. I am unwilling to believe that such an organization could ever find an existence in a civilized community; but the bare possibility of its existence, and the fact that assassinations have recently been perpetrated—giving a color of truth to the statement—should induce you to give it your most serious attention. By allowing it to go without notice, there is great danger that counter organizations may be started, and thus the whole country be placed at the mercy of lawless and irresponsible men.

The "Act for the prevention and punishment of election frauds," passed at your late session, ought to be so amended as to apply to those who attempt to deter men from voting by threats of personal violence, or other means of intimidation. It ought, also, to provide a punishment for officers of the election, who shall fail, neglect or refuse to send up the returns within a specified time.

The election law ought, also, to be amended so as to require every person to vote at the precinct near which he resides, and, in no case, to be allowed to vote outside of his own municipal township. The number of election precincts ought to be increased, so as to have them convenient for the people to attend the polls. At present, there is only one precinct in some of the counties, and the people of the whole county are thus compelled to go to that place to vote. This should be corrected. The county commissioners should be authorized to establish as many voting places as they may deem necessary; and all county and township officers ought to be elected by the people. A time should be fixed within which election returns should be made. The judges of election ought to make their returns to the county clerks, and certified abstracts of the same should be, by them sent to secretary of the Territory. Penalties should be imposed for the non-performance of these duties, as also for neglecting or refusing to serve as judges of election, when appointed. At present, there is no provision of law authorizing an election to fill a vacancy in any office, except where, in consequence of a tie vote, the people may have failed to elect. This is a very serious omission, and ought to be remedied.

The provisions of "An Act to provide for the location of Territorial roads in the Territory of Kansas," have not been complied with. They ought to be enforced by affixing a penalty for official neglect in such cases.

At present, the law provides for four justices of the peace, and but one constable for each municipal township in which there is an incorporated city. This should be changed so that there should be two justices and two constables in each township, and special provisions should be made for incorporated cities and towns, according to their population.

The organization and establishment of Common Schools throughout the Territory, ought to receive every encouragement, and the lands applicable to school purposes, ought to be protected. The duty of watching over and superintending these lands should be imposed on the justices of the peace and constables, and they be held responsible for them, until the school trustees shall be elected and take charge of the same. Every precaution ought to be taken to preserve these lands from depreciation, and apply them to the very laudable purposes for which they were intended.

I would call your attention to the necessity of devising means to build up a Territorial Library at the seat of government, which should be placed under the control of the Secretary, who is the proper custodian of the books and archives. By requiring every person to whom a commission may be issued, to pay a small fee to the library fund, a considerable sum may be realized every year, and it would not be long until you would have a library of great value.

These are some of the chief objects to which I desire to call your attention at this time, and it will afford me pleasure, at all times, to co-operate with you in the enactment of all just and proper laws within the sphere of the powers conferred by the Organic Act. That Act is to the Territory, what a Constitution is to an organized State. Its authority is paramount and cannot be transcended by us. The powers it confers are specific, and must not be disregarded. It is, in fact, the chart by which we must shape our course. So long, therefore, as we shall limit our official action to its provisions—listen to wise counsels—avoid hasty legislation—pursue such a course as will give security to the lives, liberty and property of the people—lay aside personal animosities for the public good, and hold the Territorial officers to a strict accountability for the faithful execution of the laws, we can have nothing to fear. It may be in your power to restore tranquility and insure prosperity to the Territory, or you may establish a reign of terror which will be disastrous to all the best interests of the people, who have intrusted you with legislative authority. Such is the condition of affairs in the Territoay at this time. Shall reason or passion prevail?

J. W. DENVER,
Secretary and Acting Governor.

EXECUTIVE OFFICE, LECOMPTON, K. T.,
January 4, 1858.

On motion of Mr. Bassett,

The Governor's message was referred to a select committee of five, for the distribution of the subject matter to the appropriate committees.

The speaker appointed Messrs. Bassett, Mitchell, Speer, Graham and McClure.

On motion of Mr. McClure,

Three thousand copies of the Governor's message in English, and fifteen hundred in German, were ordered to be printed.

On motion of Mr. Cooper,

The rules of the last session were adopted, until new rules could be reported.

On motion of Mr. Graham,

Resolved, That the sergeant-at-arms be instructed to procure stamps to the amount of two dollars for each member of the House.

Mr. Mitchell moved, as a substitute, that the secretary of the Territory be and is hereby required to furnish five dollars worth of stamps or stamped envelopes for the use of each member of this House, together with it officers.

Carried.

On motion of Mr. McClure,

Resolved, By the House, (the Council concurring,) That a committee of three, consisting of two from the House and one from the Council, be appointed, for the purpose of making arrangements for the payment of postage on mail matter.

Lost.

On motion,

Adjourned until 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. McClure offered the following preamble and joint resolutions:

WHEREAS, The accommodations, both public and private, provided at Lecompton for the Legislative Assembly, are insufficient for the wants and comfort of the members; therefore,

Be it resolved, by the Council and House of Representatives of the Legislative Assembly of Kansas Territory:

That, when they adjourn, they do adjourn to meet at Lawrence, Douglas county, Kansas Territory, on Thursday, the seventh day of January, A. D. eighteen hundred and fifty-eight, at two o'clock P. M., and that they hold the remainder of the session at that place.

On motion of Mr. Lockhart,

The rules were suspended, and

The preamble and resolutions were read a second time.

On motion,

The House resolved itself into Committee of the Whole to consider the preamble and resolutions.

Mr. Danford in the chair.

The committee arose, and, through the chairman, reported back the preamble and resolutions, and recommended their passage.

On motion of Mr. McClure,

The rules were suspended, and

The preamble and resolutions were passed to the third reading.

The question being upon the final passage, the ayes and noes were as follows:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Delong, Danford, Graham, Jameson, Lockhart, Morrill, McClure, Mitchell, Owens, Pennock, Reynard, Speer, Seymour, Still, Stewart—22.

Noes were Messrs. Miller, Zinn—2.

On motion of Mr. Graham,

The House took a recess for half an hour.

At the expiration of the recess, the House reassembled.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House that the Council has passed a preamble and resolution in regard to adjourning the Legislative Assembly to Lawrence, asking the immediate action of the House thereon.

J. K. GOODIN,
Secretary.

On motion of Mr. Speer,

The rules were suspended, and

The preamble and resolution were read the second time.

On motion of Mr. Lockhart,

The rules were suspended, and

The preamble and resolution passed to a third reading.

Mr. Speer moved to strike out the whereas, &c., from the preamble.

Lost.

The question being upon the final passage, the ayes and noes were as follows:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Delong, Danford, Elliott, Graham, Jameson, Lockhart, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Wheeler—23.

Noes were Messrs. Miller and Zinn—2.

On motion of Mr. Speer,

The House took a recess for twenty minutes.

At the expiration of the recess, the House reassembled.

On motion of Mr. Bassett,

Resolved, That the sergeant-at-arms be instructed to remove the furniture of the House to Lawrence, and is authorized to employ one assistant.

Carried.

Message from the Council:

Mr. Speaker:—I am instructed to inform [the House] that the Governor has sent into this Council a message of approval of joint resolution referring to the removal of the Legislative Assembly to Lawrence.

J. K. GOODIN,
Secretary.

On motion of Mr. Morrill,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

LAWRENCE, Friday, January 8th, 1858.

House met pursuant to adjournment.

Speaker in the chair.

Roll called.

Twenty-one members answered to their names.

Absentees—Messrs. Adkins, Appelman, Barber, Bennett, Curtis, Columbia, Delong, Danford, Elliott, Graham, Jenkins, Morrill, McClure, Mitchell, Shannon and Wheeler.

The hall of the House not being ready for the accommodation of members,

On motion of Mr. Bassett,

Adjourned until to-morrow, at 9 o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

SATURDAY, January 9th, 1858.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the chaplain.

Roll called, and

Twenty-six members present.

Absentees—Messrs. Adkins, Barry, Bennett, Elliott, Jameson, Keller, Orr, Pennock, Reynard, Shannon, Stratton and Wheeler—12.

Journal read, corrected and approved.

On motion of Mr. Seymour,

The oath of office was administered to John Hanna, member from the eighteenth Representative district, and he entered upon the discharge of his duties.

Mr. Bassett, chairman of the special committee to whom was referred the Acting Governor's message, for the distribution of its subject matter, made the following report:

The select committee to whom was referred the subject matter of the Governor's message, for distribution to the appropriate committees, respectfully report:

That so much as refers to the late difficulties in the Southern portion of Kansas, be referred to the committee on Militia.

So much as refers to the interference of the General Government, be referred to the committee of Militia.

So much as refers to the future action of this body be referred to the committee on Judiciary.

So much as refers to the elections, be referred to the committee on Elections.

So much as refers to Territorial roads, be referred to the committee on Public Roads.

So much as refers to justice's of the peace, be referred to the committee on Judiciary.

So much as refers to common schools, be referred to the committee on Education.

So much as refers to the Territorial Library, be referred to the committee on Public Institutions, and the residue of the message, not herein specially referred to appropriate committees, be referred to a select committee of three.

Respectfully,
O. A. BASSETT,
Chairman.

On motion of Mr. Moore,

The report was accepted.

The Speaker appointed, as special committee, as recommended by the report, the following gentlemen:

Messrs. Speer, chairman; Hanna and Elliott.

Mr. Mitchell offered the following:

Resolved, That the Secretary of the Territory be requested to furnish, for the use of the House, a sufficient amount of carpeting to cover the floor inside of the bar.

Carried.

Mr. Graham offered the following:

Resolved, That the Secretary of the Territory be requested to furnish three newspapers for each member of the House, to be selected by the members themselves.

Carried.

On motion of Mr. Speer:

Resolved, That the sergeant-at-arms be instructed to procure two dozen chairs for the use of the House, and to procure the construction of a bar, for a division between the members of the House and the spectators.

Carried.

On motion of Mr. Mitchell,

Resolved, By the House of Representatives, (the Council concurring,) That a select committee of three on the part of the House and two on the part of the Council, be appointed to report a uniform code of practice and pleadings for the government of the different courts of this Territory.

Referred to Standing Committee on Judiciary.

On motion of Mr. Moore,

Resolved, That Mr. Lemuel Fillmore, correspondent of the New York *Herald,* be entitled to a seat within the bar, and that the Sergreant-at-Arms be instructed to provide tables and seats within the bar for reporters of the press.

Carried.

Mr. Moore introduced Bill No. 1, entitled "An act to provide for the election of officers in Leavenworth county."

Mr. McClure introduced Bill No. 2, entitled "An act to locate and establish a Territorial road from Wyandott to Fort Scott."

Mr. Keller introduced Bill No. 3, entitled "An act for locating the county seat of Leavenworth county."

Mr. McClure gave notice that he would, at an early day, introduce a bill to incorporate the city of Wyandott.

Mr. McClure introduced Bill No. 4, entitled "An act declaring certain roads Territorial roads."

The speaker called Mr. Stratton to the chair.

On motion of Mr. Barry,

Resolved, That a special committee of three be appointed to investigate the contested election in locating the county seat of Riley county, with power to send for persons and papers, and report to this House.

Carried.

The speaker appointed Messrs. Barry, Morrill and Jenkins said committee.

Mr. Speer gave notice that he would, at an early day, introduce a bill chartering the city of Lawrence.

Mr. Basset gave notice that he would, on Monday next, introduce a bill providing for the repeal of the statutes of Kansas, enacted by the Legislative Assembly at its first and second sessions.

Mr. Seymour introduced Bill No. 5, entitled "An act defining the duties of chief clerk of the House of Representatives."

Mr. Danford gave notice that he would, on a subsequent day, introduce a bill providing for the investigation of election frauds.

Mr. Seymour introduced bill No. 6, entitled "An act to incorporate the Gardner Town Company."

On motion of Mr. Bassett,

Resolved, That two hundred copies of the journal of this House be printed daily for the use of the members.

Carried.

Mr. Jameson gave notice that he would, at an early day, introduce a bill to regulale the entry and disposal of town sites.

On motion of Mr. Elliott,

Resolved, By the House of Representatives, (the Council concurring,) That the speaker of the House and President of the Council be instructed to append their signatures to the acts passed at the called session and on file in the office of the secretary of the Territory, entitled as follows: "An act [to] organize and regulate the militia," "An act to repeal an act entitled 'An act to punish rebellion,'" "An act to repeal an act entitled 'An act to provide for the taking a census, and the election of delegates to a convention,'" and certifying the same were passed by a two-thirds vote over the Governor's objections, and now become laws.

Mr. Hanna moved to refer the resolution to the Committee on Judiciary.

Mr. Deitzler moved the previous question.

The motion was sustained.

The vote being on the main question, the resolution was so referred.

On motion of Mr. Moore,

Resolved, That the law passed at the extra session of the Legislature entitled "An act for the prevention and punishment of election frauds," be referred to the Judiciary Committee.

Carried.

On motion of Mr. Keller,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Moore,

Resolved, That the chief clerk be authorized to employ a journal clerk for this session.

Carried.

On motion of Mr. Moore,

Resolved, That the Judiciary Committee be empowered to employ a clerk, and that he be paid for his services out of the Territorial treasury.

Carried.

Mr. Barry introduced Bill No. 7, entitled "An act to establish a ferry on the Big Blue river, in Marshall county."

Mr. Bassett introduced Bill No. 8, entitled "An act to establish a Territorial road from Quindaro to Lawrence."

Mr. Owens introduced Bill No. 9, entitled "An act to establish a Territorial road from the city of Lawrence to the crossing of the military road on Big Blue river, in Marshall county."

Mr. McClure introduced Bill No. 10, entitled "An act in relation to district Attorneys."

Mr. Graham introduced Bill No. 11, entitled "An act to incorporate the Highland University Company."

On motion of Mr. Hanna,

Resolved, By the House of Representatives, (the Council concurring,) That we at once proceed to the enactment of an entire sode of laws for the people of the Territory, which shall supercede all laws or pretended laws passed prior to the special session of this Legislature, securing all vested rights acquired in good faith.

Carried.

On motion of Mr. Hatterscheidt,

Resolved, That S. C. Russell is hereby elected assistant Engrossing clerk of this House.

Carried.

On motion of Mr. Bassett,

Resolved, That David Sibbett is hereby elected assistant Enrolling clerk of this House.

Carried.

The oath of office was administered, by the Speaker, to Mr. Sibbett.

Mr. Jameson introduced Bill No. 12, entitled "An act to provide for the publication, in the Kansas journals, of the laws passed by the Legislative Assembly."

Mr. Appelman gave notice that he would, at an early day, introduce a bill for the restraining of Swine.

Mr. Reynard gave notice that he would, at an early day, introduce a bill to incorporate the town of Holton.

Mr. Seymour introduced Bill No. 13, entitled "An act to provide for the creation and regulation of incorp'rated companies in the Territory of Kansas."

Mr. Hanna gave notice that he would, at an early day, introduce a bill prohibiting slavery or involuntary servitude in the Territory of Kansas, except for crime, whereof the party shall have been duly convicted.

Mr. Speer gave notice that he would, at an early day, introduce a bill to incorporate the De Soto Town Company;

Also, a bill to charter a ferry company, at the same place.

Mr. Reynard gave notice that he would, at an early day, introduce a bill to incorporate the town of Wilmington.

The chair announced that the chief clerk had appointed G. W. McLaughlin, journal clerk for this session.

Mr. Appelman gave notice that he would, at an early day, introduce a bill concerning estrays.

Mr. Moore gave notice that he would, on to-morrow or some subsequent day, introduce a bill providing for a general election law.

Mr. Jameson introduced Bill No. 14, entitled "An act to regulate the entry and disposal of town sites."

Mr. Owens introduced Bill No. 15, entitled "An act to remove the county seat of Douglas county from the town of Lecompton to the town of Lawrence."

Mr. Speer moved that the rules be suspended, and the bill read a second time.

Lost.

Mr. Keller introduced Bill No. 16, entitled "An act amending the boundary lines of Leavenworth county."

Mr. Moore introduced Bill No. 17, entitled "An act granting to Alexander Repine and Frank Paupitz, certain privileges."

On motion of Mr. Moore,

Resolved, That one hundred copies of each bill, presented to this House to-day, be and are hereby ordered to be printed, at the earliest practicable moment, for the use of the members.

Carried.

On motion,

Adjourned until Monday at 9 o'clock.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, January 11th 1858.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees—Messrs. Adkins, Barber, Bennett, Delong, Pennock, Still, Shannon, Stratton and Wheeler.

Petitions, memorials and remonstrances being in order,

Mr. Curtis presented a petition from citizens of Hesperia, Madison county, Kansas Territory, praying for a law restraining the running at large of swine.

Referred to the committee on Agriculture and Manufactures.

Mr. Orr presented a petition from sundry citizens of Leavenworth county, praying for the county seat of Leavenworth county to be located at Leavenworth city.

Referred to the committee on Counties and County Lines.

Mr. Moore presented a petition from John Bentz, praying to be relieved as security for Albert Ross, charged with the crime of arson; and asked that it be referred to a special committee of three.

Granted.

The Speaker appointed Messrs. Moore, Mitchell and Owens said committee.

Mr. Mitchell moved that the vote on the resolution, offered by him on Saturday, in relation to the formation of a code of practice and pleading, be reconsidered.

Carried.

The question being upon the original motion for reference, was lost.

Mr. Mitchell moved that the original resolution be adopted.

Mr. Speer offered the following as a substitute:

Resolved, By the House of Representatives (the Council concurring) That the Judiciary Committee of the House be authorized to confer with the same committee of the Council, and report a plan for adoption of a code of practice and pleading.

Adopted.

Mr. Stratton gave notice that he would, at an early day, introduce a bill to charter the city of Doniphan.

Also, a bill to charter the Kansas Express Stage Company.

Introduction of bills being in order; Mr. Moore introduced Bill No. 18, entitled "An act to incorporate a ferry at the town of De Soto, across the Kansas river."

Mr. Jameson introduced Bill No. 19, entitled "An act to establish and charter a ferry ~~across~~ the Missouri river, at the city of Palermo, in the Territory of Kansas."

Mr. Bassett introduced Bill No. 20, entitled "An act for the repeal of the statutes of Kansas Territory."

Mr. Appelman introduced Bill No. 21, entitled "An act to prohibit the firing of woods, prairies or other grounds."

Mr. Moore introduced Bill No. 22, "An act to amend an act entitled 'An act for the prevention and punishment of election frauds,' passed December the 17th, 1857."

On motion of Mr. Moore,

The rules were suspended, and

The bill read a second time.

Mr. McClure moved to refer the bill to the Committee on Elections.

Lost.

Mr. Speer moved the bill lay on the table until printed.

Carried.

Mr. Moore introduced Bill No. 23, entitled "An act to incorporate the Kansas Land Company."

Mr. Hanna introduced Bill No. 24, entitled "An act to abolish and prohibit slavery in the Territory of Kansas."

Mr. Lockhart introduced Bill No. 25, "An act to incorporate the Cambridge Town Company."

Mr. Pennock introduced Bill No. 26, entitled "An act to incorporate the Leavenworth, Lawrence and Southern Stage Company."

Mr. Morrill introduced Bill No. 27, entitled "An act in relation to resignations."

On motion of Mr. McClure,

House Bill No. 2, entitled "An act to locate and establish a Territorial road from Wyandott to Fort Scott," was read a second time.

On motion of Mr. McClure,

The bill was referred to the committee on Public Roads.

On motion of Mr. Moore,

House Bill No. 1, entitled "An act to provide for the election of officers of Leavenworth county," was taken up and

Read a second time.

On motion of Mr. Moore,

The House resolved itself into a Committee of the Whole.

Mr. Hanna in the chair.

The committee arose, and, through the chairman, reported progress, and asked leave to sit again.

Granted.

On motion of Mr. Seymour,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council, through the secretary, J. K. Goodin:

Mr. Speaker :—I am directed to inform you of the passage by the Council of the following concurrent resolution:

Resolved, By the Council and House of Representatives, (the House of Representatives concurring,) that W. W. Ross be and is hereby declared public printer for the Legislative Assembly of the Territory of Kansas, and R. G. Elliott as superintendent of public printing.

Mr. Speer moved to concur.

Mr. Stewart moved to lay the resolution on the table.

Yeas and nays being ordered, those in the affirmative were Messrs. Appelman, Curtis, Columbia, Danford, Graham, Hanna, Jenkins, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Pennock, Seymour, Stewart, Zinn—17.

Those in the negative were Messrs. Barber, Barry, Brock, Bassett, Cooper, Delong, Hatterscheidt, Jameson, Keller, Owens, Orr, Reynard, Speer, Stratton, Wheeler—15.

Resolution laid on the table.

Mr. Elliott, chairman of the joint committee on the part of the House, appointed at the special session, to report rules for the government of the House, reported as follows:

The joint committee, appointed at the called session of the Legislative Assembly, to prepare permanent rules for the government of both Houses, on the part of the House, report that, in the discharge of the duties devolved upon them, they have carefully compiled the following rules for the House, and joint rules, which are herewith submitted, and respectfully recommend the adoption of the same.

RULES AND ORDERS OF THE HOUSE.

OF SPEAKER.

1st. He shall take the chair every day at the hour to which the House shall have adjourned on the previous day, and immediately call the members to order. If a quorum shall be in attendance, he shall cause the journal of the preceding day to be read.

2d. He shall preserve order and decorum; he may speak to points of order in preference to members, rising from his seat for that purpose; he shall decide questions of order, subject to an appeal to the House by any two members, on which no member shall speak more than once, unless by leave of the House.

3d. He shall rise to put a question, but may state it while sitting.

4th. Questions shall be distinctly put in this form, to wit: As many as are of the opinion that (as the question may be,) say Aye; and, after the affirmative voice is expressed: As many as are of the contrary opinion, say No. If the Speaker doubts, or if a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and remain until counted—afterward, those in the negative; the Speaker shall then rise, and state the decision to the House.

5th. The Speaker shall have the right to examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6th. In all cases of election by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

7th. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

8th. In all cases of an election, a majority of the votes given shall be necessary to a choice; and when there shall not be such a majority on the first vote, the vote shall be repeated until a majority be obtained.

9th. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpenas, issued by order of the House, shall be under his hand and seal, attested by the clerk.

10th. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker shall have power to order the same cleared.

11th. No person shall be admitted within the bar but the officers of the General or Territorial Government, and such other persons as the House may think proper to invite.

RULES OF DECORUM AND DEBATE.

12th. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to Mr. Speaker, and shall confine himself to the question under debate, and avoid personality.

13th. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the dicision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House, and, if the case require it, he shall be liable to the censure of the House.

14th. When two or more members happen to rise at the same time, the Speaker shall name the person who is first to speak.

15th. No member shall speak more than twice on the same question, or more than one half hour on each occasion, without leave of the House, nor more than once until every member, choosing to speak, shall have spoken; but the mover of any proposition shall have the right to open and close the debate; and, in case the proposition comes from any committee, then the member making the report from the committee, shall have the right to open and close the debate.

16th. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of or across the House, nor, in such case, or when a member is speaking, shall entertain private discourse, nor, whilst a member is speaking, shall pass between him and the chair.

17th. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

18th. Every member who shall be within the bar of the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the clerk, under order of the House, shall have commenced calling the yeas and nays.

19th. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debate.

20th. Every motion shall be reduced to writing, if the Speaker or any member desire it.

21st. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

22d. When a question is under debate, no motion shall be received, but, First, To adjourn; Second, To lay on the table; Third, For the previous question; Fourth, To postpone to a day certain, Fifth, To postpone indefinitely; Sixth, To commit, or, Seventh, To amend; which several motions shall have precedence in the order in which they are arranged: and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23d. A motion to adjourn shall be always in order; that, the previous question, and the motion to lie on the table, shall be decided without debate.

24th. The previous question shall be in this form: Shall the main question be now put? It shall only be admitted when sustained by a majority of the members present; and, when carried, its effect shall be to put an end to all debate, and bring the House to a direct vote.

25th. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

26th. Any member may call for the division of a question when the same will admit of it; a motion to strike out and insert shall be deemed indivisible. But a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

27th. Motions and reports may be committed at the pleasure of the House.

28th. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or next sitting day.

29th. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether said paper shall be read or not.

30th. When a resolution shall be offered, or a motion made to refer any subject, and select and standing committees shall be proposed, the question for reference to a standing committee shall be put first.

31st. Every ordered resolution or vote to which the concurrence of the Council shall be necessary, shall be read to the House and laid on the table, on a day preceding that on which the same shall be moved, unless the House shall expressly allow.

32d. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be verbally made by the introducer, and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were read.

33d. Any ten members, (including the speaker, if there be one,) shall be authorized to compel the attendance of absent members.

34th. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically, and no member shall be allowed to vote except he be in his seat.

35th. No member shall absent himself from the service of the House, unless he have leave, or be unable from sickness to attend.

36th. Upon the call of the House, the names of members shall be called over by the clerk, and the absentees noted, after which the names of absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, if ten in number, be taken into custody, as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

37th. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

38th. The duty of the sergeant-at-arms shall be to attend the House during its sittings, to execute the commands of the House from time to time, together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

ORDER OF BUSINESS OF THE DAY.

39th. After the journal is read, the following shall be the order of business for each day:

1st. Petitions, memorials or remonstrances to be offered.
2nd. Resolutions and notices to offer bills;
3rd. Reports of standing then of special committees;
4th. Bills to be introduced of which notice has been given;
5th. Messages and communications on the speaker's table;
6th. Bills and resolutions ready for a second reading;
7th. Bills on their final passage.

40th. The unfinished business in which the House was engaged at the time of the last adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received, without special leave of the House, until the former is disposed of.

41st. All questions relating to the priority of business shall be decided without debate.

COMMITTEES.

42d. Twenty standing committees shall be appointed at the commencement of the session, consisting of five members each: A committee of Ways and Means; a committee of Election; a committee on Claims; a committee on the Judiciary; a committee on Militia; a committee on Agriculture and Manufactures; a committee on Apportionments; a committee on Corporations and Banking; a committee on Education; a committee on Public Institutions; a committee on Enrolled Bills; a committee on Engrossed Bills: a committee on Vice and Immorality; a committee on Accounts and Legislative Expenditure; a committee on Printing; a committee on New Counties and County Lines; a committee on Public Roads; a committee on Phraseology; a committee on Federal Relations, a committee on Internal Improvements.

43d. The several standing committees of the House shall have leave to report by bill or otherwise.

44th. No committee shall sit during the sitting of the House, without special leave.

DUTIES OF THE CLERK.

45th. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

46th. All messages ftom the House to the Council and Governor, shall be carried by the Clerk, unless the House shall otherwise order; and all papers designed to be transmitted to the Governor or the Council, shall be carried by the Clerk or Assitant Clerk.

47th. In case the Speaker shall be absent at the hour to which the House was adjourned, the Clerk shall preside until a Speaker *pro tem.* shall be chosen.

ON BILLS.

48th. Every bill shall receive three several readings in the House, previous to its passage; and all bills shall be dispatched in order as they may be introduced, unless where the House shall direct otherwise; but no bill shall be read twice on the same day, without special order of the House.

49th. All bills, whether introduced in the House, or communicated by message from the Council, shall, after their first reading, be referred to a standing or select committee, to consider and report thereupon. Such committee may report any bill, either with or without amendments, or they may report against the same. All bills favorably reported shall be committed to the Committee of the Whole, unless otherwise ordered by the House; but when a bill has been reported adversely, and such report shall be agreed to by the House, it shall not go upon the general orders, but shall be considered as rejected.

50th. The title of all bills introduced shall state, concisely, the subject matter of such bills.

51st. All bills ordered to be engrossed shall be executed in a fair round hand,

52d. No amendment, unless by way of rider, shall be received to any bill on its third reading.

53d. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

54th. A register shall be kept, ~~by the~~ Clerk, of all bills introduced in the House, or transmitted, for concurrence, from the Council, in which shall be recorded, under appropriate head, the progress of all such bills, from the date of their introduction, to the time of their transmission, if House bills, to the Governor, or if Council bills, their return to the Council.

OF COMMITTEES OF THE WHOLE HOUSE.

55th. When the House shall determine to go into Committee of the Whole, the Speaker shall appoint the member who shall take the chair.

56th. Bills and other matters shall be considered in Committee of the Whole in the following manner, viz:—They shall be first read through, unless the Committee shall otherwise order; and, unless the Committee shall then decide to strike out the enacting clause, they shall be read and considered by sections, leaving the title to be last considered. All amendments, in their coherence, shall be reported to the House by the chairman.

57th. The body of the bill shall not be defaced nor interlined, but all amendments. noting the page and line, shall be duly entered, by the Clerk, on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amembed by clauses, before a question to engross it be taken.

58th. The rule of proceeding in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

59th. All questions, whether in Committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be put first.

60th. A motion to rise and report progress shall be in order at any stage, and shall be decided without debate.

61st. If, at any time, when in Committee of the Whole House, it be ascertained that there is no quorum, the chairman shall immediately report that fact to the Speaker.

62d. It shall be in order for the committee on Enrolled Bills to report at any time.

63d. No rule or order of the House shall be rescinded, altered or repealed, unless two-thirds of the members present shall consent thereto.

JOINT RULES OF THE COUNCIL AND HOUSE OF REPRESENTATIVES.

1st. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

2d. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

3d. Messages from one House to the other shall be communicated by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.

4th. It shall be in the power of either House to amend any amendment made by the other, to any bill or resolution.

5th. In case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for that purpose, and the other shall also appoint a similar committee. The committee shall meet at such hour and place as shall be appointed by the chairman of the committee on the part of the House requesting such conference. The committee shall confer upon the cause of difference, with the view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

6th. It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers, on which such difference arose, are before the House receding, formally or informally.

7th. After each House shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session, in either House.

8th. All joint committees of the two Houses, and all committees of conference shall consist of three members of the Council and five members of the House of Representatives, unless otherwise specially ordered by concurrent resolution.

9th. No bill which shall have passed one House, shall have its final reading in the other less than two days thereafter, without the consent of two-thirds of the members thereof present; and whenever ten or more bills shall be in readiness for final reading in either House, such House shall assign a day for the final reading of such bills, which day shall be within one week thereafter. At the time appointed, such House shall proceed to the final reading of said bills, and continue the same from day to day, under the order of third reading of bills, until all such bills then in readiness for final reading shall have been read, unless this order of business shall, in either House, by a vote of two-thirds of the members present, be suspended or laid on the table. In all cases where a bill shall be so ordered to lie on the table, it shall retain its place in the order of the final reading of bills, but shall not be called up for consideration, unless by a vote of a majority of the members present.

10th. The same bill shall not, specially or by name, create, renew, or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one incorporation by name; but this rule shall not be construed to apply to corporations to be formed under general laws, nor to bills consolidating corporations.

11th. Whenever there shall be an election of officers by the joint action of the two Houses, the result shall be certified by the President of the Council, and the Speaker of the House, and shall be reported by the presiding officer of each House to their respective Houses, and be entered on the journals of each, and shall be communicated to the Governor by the clerks of the two Houses.

12th. After a bill shall have passed both Houses, it shall be duly enrolled by one of the transcribing clerks, under the direction of the Secretary of the Council, or Chief Clerk of the House of Representatives, as the bill may have originated in the one or the other House, before it shall be presented to the Governor for his approval.

13th. When a bill is duly enrolled, it shall be examined by a joint committee of two from each House, appointed for that purpose, who shall carefully compare the enrolled with the *engrossed* bill, and make their report forthwith to the respective Houses.

14th. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Council.

15th. After a bill shall have been thus signed in each House, it shall be presented by the said Committee of Enrollment to the Governor for his approval. it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsement shall be signed by the Chief Clerk of the House, or the Secretary of the Council. as the bill may have originated in the one or the other House, and the said committee shall report the day of presentation to the Governor, which shall be entered upon the journal of each House.

16th. All orders, resolutions and votes, which are to to be presented to the Governor for his approval shall also in the same manner be previously enrolled, examined and signed, and then be presented in the same manner, and by the same committee, as is provided in the case of bills.

17th. The committees of each House on Territorial Expenditures, on Enrolled Bills, or Legislative Expenses, shall act jointly.

18th. When a bill, resolution, or memorial shall have passed either House, which requires the concurrence of the other, it shall be transmitted to said House, without the necessity of entering an order on the journal of the House in which it passed, requesting the concurrence of the other House.

19th. In joint convention of the two Houses, the Speaker of the House of Representatives shall preside.

20th. No item shall be inserted in any appropriation bill until it has been passed upon by one of the joint committees, on Territorial Expenditures, or Legislative Expenditures.

21st. The general appropriation bill shall be introduced into the House at least ten days before the close of the session, and passed by the House, and sent to the Council for their concurrence, at least three days before the close of the session.

22d. There shall be printed, of course and without order, 130 copies of all original bills reported by committees of either House; and 500 copies of all messages from the Governor, (except messages certifying his approval of bills,) all reports of standing or select committees, and all reports or communications made in pursuance of law; and 1000 copies of the journal of each House.

23d. The printed bills shall be distributed as follows: To the Council, 30 copies; to the House of Representatives, 80 copies; to the Territorial officers, 10 copies; retained to bind, 10 copies. The printed messages and documents shall be distributed as follows; To the Council, 120 copies; to the House of Representatives, 300 copies, to the Territorial officers, 50 copies.

24th. Whenever either House shall order printed more than the usual number of any message, report or document, the fact shall be immediately communicated, by message, to the other House.

25th. When the same document shall, by separate orders, be directed to be printed by both Houses, it shall be regarded as but one order, unless otherwise expressly directed by either House.

26th. When an extra number shall be ordered, it shall be done by *specifying* the number for each member.

27th. Orders to print, unexecuted, expire at the close of the session; and no documents shall be printed or delivered, after the final adjournment unless printed under some law, or concurrent resolution of the Council and House of Representatives.

28th. The sergeant-at-arms of each House shall receive from the printer all matter ordered by the respective Houses, and shall keep a book, and enter therein the time of reception, and the number of copies of all such matter, and shall cause the same to be immediately placed upon the desks of the members.

Mr. Bassett moved the report be received.

Mr. Lockhart moved to accept the report.

Mr. Cooper moved to pospone until the rules be distributed.

Carried.

On motion of Mr. Graham,

Resolved, That the members proceed immediately to draw for seats.

Carried.

The chief clerk proceeded, by general consent, to draw for members' seats.

Mr. Whiting, Enrolling clerk, presented himself, was qualified, and entered upon the duties of his office.

Mr. Russell, assistant Engrossing clerk, was also sworn, and entered upon the duties of his office.

On leave of the House, Mr. Lockhart introduced Bill No. 28, entitled "An act to locate a Territorial road from the town of Gardiner to the city of Lawrence," which was

Referred to the committee on Public Roads.

Mr. Mitchell gave notice that he would, on to-morrow or some subsequent day, introduce a bill for the incorporation of townships, and for the election of township officers therein named.

Mr. Bassett offered the following:

Resolved, That the sergeant-at-arms be instructed to procure an order book for the use of the Speaker; also, bill files for the use of the members.

Carried.

The introduction of bills being in order,

Mr. Seymour introduced Bill No. 29, entitled "An act to locate a Territorial road from McCamish to the city of Leavenworth."

Mr. Jameson introduced Bill No. 30, entitled "An act to establish a Territorial road from Palermo to a point on the Nebraska line, near Royes' Ferry;" which were

Referred to the committee on Public Roads.

Mr. Graham introduced Bill No. 31, entitled "An act to incorporate the Educational Association of the Methodist Episcopal Church in Kansas Territory," which, by request, was

Referred to the committee on Education.

Mr. Bassett introduced Bill No. 32, entitled "An act to incorporate a Ferry across the Missouri river at Quindaro."

Referred to the committee on Public Roads.

Mr. McClure moved to take up House Bill No. 4, entitled "An act establishing and declaring certain roads, Territorial roads," and that it be read a second time.

Carried.

On motion of Mr. McClure,

It was referred to the committee on Public Roads.

Mr. Curtis gave notice that he would, at an early day, introduce a bill to incorporate the Osage Bridge Company; also, granting to said company the privilege of building a toll bridge across the Osage river at the city of Peoria, Franklin county, Kansas Territory.

On motion of Mr. McClure,

The bill in relation to District Attorneys was taken up, and

Referred to the committee on Counties and County Lines.

Mr. Speer moved to take up the bill removing the county seat of Douglas county from Lecompton to Lawrence, and refer it to the committee on Judiciary, with instructions to report tomorrow.

Carried.

Mr. Bassett moved to take up House Bill No. 8, establishing a road from Quindaro to Lawrence, and that it be referred to the committee on Public Roads.

Carried.

Mr. Keller moved to take up House Bill No. 3, for removing the county seat of Leavenworth county.

Carried.

On motion of Mr. Moore,

It was referred to the Committee of the Whole.

On motion,

The House resolved into Committee of the Whole.

Mr. Cooper in the chair.

The committee arose, and, through their chairman, submitted the following report:

MR. SPEAKER: The committee of the whole House have had under consideration House Bill No. 3, entitled "An act locating the county seat of Leavenworth county, and beg leave to report the same back to the House with sundry amendments, in which they ask the concurrence of the House.

On motion of Mr. Moore,

The amendments were concurred in.

Mr. Bassett announced W. P. Badger and John Bennett, members elect from the Second Representative District, who presented their credentials. They were duly qualified by the speaker, and entered upon the discharge of their duties as members of the House.

Mr. Stratton introduced Bill No. 33, entitled "An act to locate and establish a Territorial road from the city of Elwood to the city of Topeka."

Referred to the Committee on Public Roads.

Mr. Danford introduced Bill No. 34, entitled "An act to provide for the investigation of election frauds."

Mr. Jameson introduced Bill No. 35, entitled "An act to create an additional office of constable in each township in each county in the Territory of Kansas."

Referred to Committee on Judiciary.

Mr. Speer introduced Bill No. 36, entitled "An act to provide for taking a census in certain districts therein specified."

On motion of Mr. Speer,

The rules were suspended, and

The bill read a second time.

Mr. Appelman introduced Bill No. 37, entitled "An act to provide for the regulation of the running at large of swine."

Referred to Committee on Agriculture and Manufactures.

On motion of Mr. McClure,

Resolved, That ten o'clock A. M. and two o'clock P. M., be the regular hours of the meeting of this House, unless otherwise ordered.

Mr. Hanna moved to strike out ten and insert nine o'clock.

Carried.

Mr. Cooper moved to strike out two and insert half-past one.

Lost.

The resolution, as amended, was adopted.

G. W. McLaughlin, journal clerk, appeared at the speaker's stand, and took the oath of office.

On motion of Mr. Curtis,

Resolved, That the sergeant-at-arms be instructed to procure sun shades for the windows in the west end of this hall; also, a cloak and hat rack.

Carried.

Mr. Seymour moved to take up House Bill No. 6, entitled "An act to incorporate the Gardner Town Company," and

Referred to Committee on Corporations and Banking.

Carried.

On motion,

The House adjourned until nine o'clock to-morrow morning.

TUESDAY, January 12, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees—Messrs. Adkins, Bennett, McClure, Orr and Shannon.

The journal was read, corrected and approved.

Mr. Bassett offered the following:

Resolved, That a select committee of five be appointed to take into consideration the policy of enacting general incorporation laws, for the purpose of doing away, as far as possible, with special legislation.

Carried.

The Speaker appointed Messrs. Bassett, Hanna, Jenkins, Wheeler and Stewart, said committee.

Mr. Orr gave notice that he would, at an early day, introduce a bill to incorporate the town of Easton.

Mr. Hanna gave notice that he would, at an early day, introduce a bill authorizing the formation of voluntary associations.

Mr. Hanna introduced the following bills:

Bill No. 38, entitled "An act to establish a uniform width for all Territorial roads;"

Bill No. 39, entitled "An act to establish a Territorial road from Indianapolis, by the way of the county seat of Anderson county, to Osage City, in Allen county;"

Bill No. 40, entitled "An act to establish a Territorial road from Indianapolis to Burlington;"

Which bills were referred to the committee on Public Roads.

Mr. Speer introduced Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State Constitution."

Mr. Jameson moved its reference to the committee on Apportionment.

Mr. Stratton amends, and moves, as a substitute, to refer to the standing committee on Elections.

Mr. Speer moved to amend the amendment, so as to read that that part of the bill relating to apportionment, be referred to standing committee on Apportionment, and that part of the bill relating to elections, be referred to standing committee on Elections.

Carried.

On motion of Mr. Speer,

Resolved, That the sergeant-at-arms be instructed to procure sectional maps, for the use of each member of the House.

Carried.

On motion of Mr. Jameson,

Resolved, That no new business be introduced into the House until after the special committee upon general incorporations make their report.

On motion of Mr. Bassett,

The resolution was laid on the table.

Mr. Delong introduced Bill No. 42, entitled "An act to establish a Territorial road from Topeka, via Brownsville, Wilmington and Kansas Center, to Emporia."

Referred to committee on Public Roads.

Mr. Columbia introduced Bill No. 43, entitled "An act to declare a certain road a Territorial road."

Referred to committee on Public Roads.

Mr. Moore introduced Bill No. 44, entitled "An act to incorporate the Dayton Town Company, in Marshall county, Kansas Territory."

Referred to committee on Corporations and Banking.

Mr. Stewârt introduced Bill No. 45, entitled "An act to provide for the location of Territorial roads in the Territory of Kansas."

Referred to committee on Public Roads.

Mr. Danford gave notice that he would, on to-morrow or a subsequent day, introduce a bill to incorporate the Mound City Town Company.

Message from the Council:

MR. SPEAKER:—I am instructed to inform, that Council Bill 2, entitled "An act to incorporate Big Blue Association;"
Also, Council Bill No. 6, entitled "An act in relation to the Kansas River Bridge Company," have passed the Council.

J. K. GOODIN,
Secretary.

Mr. Hanna gave notice that he would, at an early day, introduce a bill to incorporate the Osawatomie Town Company.

On motion of Mr. Elliott,

The House resolved itself into Committee of the Whole for the purpose of resuming the consideration of House Bill No. 1, entitled "An act to provide for the election of county officers in the county of Leavenworth."

Mr. Hanna in the chair.

The committee arose, and; through their chairman, reported that they had considered House Bill No. 1, and recommend the postponement of the same until after the report of the Committee on Counties and County Lines, which was

Agreed to.

On motion of Mr. Speer,

Resolved, That the journal clerk be instructed to furnish a copy of the journal, from time to time, as speedily as possible, to the public printer.

Mr. Elliott proposed, as a substitute, the following:

Resolved, That the journal clerk be instructed to furnish a copy of each day's journal to the public printer within three hours after the adjournment of the House.

Mr. Pennock moved the previous question, which was sustained by the House.

Hr. Hanna moved to lay the whole matter on the table.

Carried.

The speaker announced the business next in order to be House Bill No. 3, entitled "An act for locating the county seat of Leavenworth county."

On motion of Mr. Cooper,

The further consideration of the bill was postponed until after the report of the Committee on Counties and County Lines.

Mr. Moore, chairman of the committee on Judiciary, reported House Bill No. 15, entitled "An act to remove the county seat of Douglas county from the town of Lecompton to the town of Lawrence."

On motion of Mr. Moore, the bill was

Read a second time.

Mr. Speer moved to suspend the rules, consider the bill as engrossed, and passed to a third reading, which motion was

Lost.

On motion of Mr. Graham,

House Bill No. 11, entitled "An act to incorporate the Highland University Company," was taken up and

Referred to Committee on Education.

Mr. Lockhart, chairman of Committee on Engrossed Bills, reports having examined House Bill No. 3, entitled "An act removing and permanently locating the county seat of Leavenworth county," reports the same as correctly engrossed.

On motion of Mr. Elliott,

The report of the Committee on Rules was taken up.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. Moore in the chair, for the further consideration of the report of the Committee on rules.

The committee arose, and, through the chairman, reported progress and asked leave to sit again.

Granted.

On motion,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Moore moved the House go into a Committee of the Whole to further consider House rules, whereupon,

The House resolved itself into a Committee of the Whole.

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported back to the House the rules reported by the committee heretofore appointed for that purpose, ~~with~~ sundry amendments, and asked the concurrence of the House.

On motion of Mr. Moore,

The House concurred in the report.

On motion of Mr. Moore,

House Bill No. 3 was taken up and

Read a second time.

Mr. Moore moved that the rules be suspended, bill considered engrossed, and passed to a third reading.

Carried.

Mr. Moore moved that the rules be suspended for the purpose of amending the bill.

Carried.

Mr. Moore moved to amend the third section by striking out the words "county commissioners of said Leavenworth county," and inserting "Adam Fisher, C. F. Currier and Henry L. Pennock as special commissioners for this purpose."

The amendment was agreed to.

The question then being on the final passage of the bill, the ayes and noes were called.

Those in the affirmative were

Messrs. Barber, Barry, Bassett, Curtis, Columbia, Cooper, Danford, Elliott, Graham, Hanna, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Zinn —28.

Those in the negative were:

Messrs. Brock, Bennett, Badger, Delong, Miller—5.

Bill passed and the title agreed to.

On motion of Mr. Speer,

Resolved, That the public printer be authorized to employ a clerk to transcribe the journal of this House, and the said clerk shall be entitled to the sum of two dollars for each day's proceedings.

Carried.

Mr. Mitchell offered the following:

Resolved, That the sergeant-at-arms be instructed to clear the lobby or preserve order therein.

Mr. Elliott moved the adoption of the resolution.

Mr. Hanna moved to lay it on the table.

Carried.

Mr. Speer, chairman of the Committee on Elections, reported back House Bill No. 34, entitled "An act to provide for the investigation of the Election Frauds," with amendments.

On motion of Mr. Moore,

The House went into a Committee of the Whole, Mr. Stratton ton in the chair, for the consideration of the bill and amendments.

The Committee arose, and, through the chairman, reported progress, and asked leave to sit again.

Leave was granted.

Mr. Jameson, chairman of the committee on Public Roads, submitted the following report:

The committee on Public Roads, to whom was referred House Bill No. 9, entitled "An act to establish a Territorial road from the city of Lawrence, in the Territory of Kansas, to the crossing of the military road on Big Blue river, in Marshall county," after carefully examining said bill, would beg leave to make the following report:

Your committee, being fully impressed that the location and establishment of said road would be a great accomodation to the traveling public, would recommend its early passage, with the following amendment: Between the third and fourth lines of the first section, amend by inserting the following words: "America, and thence, on the most direct and practicable route, to Palmetto," so that the section will read, after the word "Holton," "thence to America, and thence, on the most direct and practicable route, to Palmetto, at the crossing of the military road on the Big Blue river, in Marshall county, and Territory of Kansas."

Message from the Council:

I am directed to inform that the Council have concurred in the House resolution to at once proceed to the enactment of an entire code of laws for the people of the Territory, which shall supersede all laws or pretended laws passed prior to the special session of this Legislature, saving all vested rights, acquired in good faith.

Also, Council Bill No. 15, entitled "An act for the investigation of election frauds."

J. K. GOODIN,
Secretary.

On motion,

Council Bill No. 15 was referred to committee on Elections.

Mr. Hanna moved to take up House Bill No. 46, entitled "An act to authorize the formation of voluntary associations," and that it be referred to committee on Corporations and Banking.

Was so referred.

Mr. Seymour called up House Bill No. 5, entitled "An act defining the duties of chief clerk of the House of Representatives," which was,

On motion,

Referred to the committee on Public Printing.

Mr. Owens moved to take up House Bill No. 9, entitled "An act to establish a Territorial road from the city of Lawrence, in the Territory of Kansas, to the crossing of the military road on the Big Blue river, in Marshall county."

Carried.

On motion of Mr. Stratton,

The House resolved itself into Committee of the Whole to consider said bill.

Mr. Graham in the chair.

The committee arose, and, through the chairman, reported back the bill, with sundry amendments.

On motion of Mr. Cooper,

The amendments were concurred in.

On motion of Mr. Cooper,

The bill was read a second time, and

On motion by Mr. Cooper,

The rules were suspended.

The bill considered engrossed, and

Passed to a third reading.

The question now being upon the final passage of the bill, it was

Passed.

Mr. Morrill introduced Bill No. 48, entitled "An act to establish a Territorial road from Iowa Point and White Cloud in Doniphan county, to Palmetto in Marshall county."

Mr. Columbia introduced Bill No. 49, entitled "An act to declare a certain road a Territorial road," which bills were

On motion,

Referred to the committee on Public Roads.

Mr. Speer, chairman of the committee on Elections, reported back Council Bill No. 15, with sundry amendments.

Mr. Moore moved to go into Committee of the Whole to consider said bill.

House went into Committee of the Whole.

Mr. Seymour in the chair.

The Committee arose, and, through the chairman, reported back Council Bill No. 15, with amendments, and asked the concurrence of the House.

Mr. Bassett moved the bill be put upon its third reading.

Mr. Seymour moved to refer the bill to the committee on Elections, which motion

Prevailed.

On motion of Mr. Stewart,

Resolved, That we now proceed to the election of public printer for this House.

Carried.

Nominations being in order,

Mr. Stewart nominated Mr. G. W. Brown.
Mr. Stratton nominated Mr. W. W. Ross.
Mr. Cooper nominated Mr. Norman Allen.
Mr. Moore nominated Mr. Champion Vaughan.
Mr. Owens nominated Mr. J. M. Walden.

Mr. Bassett moved to postpone said election, and make it the special order of to-morrow, at two o'clock, which motion

Prevailed.

Message from the Council:

Mr. Speaker:—I am instructed to inform, that the Council have adopted the Joint Rules of the Council and House of Representatives, with amendments. Rule 19, strike out "Speaker of the House of Representatives," and insert "President of the Council."

On motion,

House concurred in the amendments.

Also, the concurrence of the Council in House resolution in reference to the committee on Judiciary of each branch of the Legislative Assembly conferring, and report a plan for the adoption of a code of practice and pleading; also, have passed Council Bill No. 1, entitled "An act to incorporate the Westopolis Town Company," asking your action thereon.

J. K. GOODIN,
Secretary.

Mr. Pennock introduced a memorial, together with Bill No. 50, entitled "An act to establish a Territorial road from Leavenworth City to Grasshopper Falls."

Referred to committee on Public Roads.

Mr. Lockhart introduced Bill No. 51, entitled "An act securing liens to Mechanics and others."

Referred to the committee on Judiciary.

A remonstrance was presented, by Mr. Morrill, from R. E. Smith and seventy others, against the change of county lines, which was

Referred to the committee on Counties and County Lines.

On motion of Mr. Elliott,

Resolved, That two hundred copies of the Rules and Joint Rules, and standing committees of both Houses, and the address and the rooms of the members, be printed.

Carried.

On motion of Mr. Hanna,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

SEVEN O'CLOCK.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Moore,

House Bill No. 18, entitled "An act to incorporate a Ferry, at the town of De Soto, across the Kansas river," was taken up, and

Referred to the committee on Corporations and Banking.

On motion of Mr. Graham,

Resolved, That the sergeant-at-arms be instructed to provide a copy of Webster's unabridged dictionary for the use of the members of the House.

Carried.

Mr. Speer, chairman of the committee on Elections, reported that they had taken into consideration House Bill No. 34, entitled "An act for the investigation of Election Frauds," and, also, Council Bill No. 15, entitled "An act for the investigation of Election Frauds," and report the following substitute for both: "An act entitled An act for the investigation of Election Frauds."

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, Mr. Mitchell in the chair, for the consideration of the substitute for the two bills.

The committee arose, and, through the chairman, reported back the substitute for House Bill No. 34 and Council Bill No. 15, entitled "An act providing for the investigation of Election Frauds," with sundry amendments, and ask the concurrence of the House therein.

On motion of Mr. McClure,

The House concurred.

On motion of Mr. Hanna,

The rules were suspended, and

The bill be read a third time.

And, also, to suspend the rules,

Consider the bill engrossed, and passed to the third reading.

The bill was now upon its final passage, and was

On motion of Mr. Hanna,

Passed.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, Jan. 13th, 1858.

House met pursuant to adjournment.

Speaker *pro tem.* in the chair.

Prayer by the Chaplain.

Roll called.

Absentees—Messrs. Adkins, Brock, Bassett, Danford, Elliott, McClure, Shannon and Stewart.

The journal read, corrected and approved.

Resolutions and notices to offer bills being in order,

Mr. Curtis gave notice that he would, at an early day, introduce a bill incorporating the city of Peoria.

Mr. Hanna gave notice that he would, at an early day, introduce a bill to incorporate the Battle Hill Town Association.

Mr. Appelman gave notice that he was preparing, and would, on a subsequent day, introduce a bill concerning Roads and Highways.

Reports of special committees being in order, there being none ready to report,

The introduction of new bills was next in order.

Mr. Moore introduced Bill No. 53, entitled "An act for the relief of John Bentz."

Referred to the committee on Judiciary.

Mr. Curtis introduced Bill No. 54, entitled "An act to locate and establish a Territorial road from Lawrence to Osawatomie, via Blanton Bridge, Brooklyn, Prairie city, Peoria city, Stanton and Indianapolis," which bill was

Referred to the committee on Public Roads.

Mr. Hanna introduced Bill No. 55, entitled "An act to incorporate the Osawatomie Town Company."

Referred to committee on Corporations and Banking.

Mr. Curtis introduced Bill No. 56, entitled "An act to locate and establish a Territorial road from Ohio city to McCamish, via Peoria city."

Referred to Committee on Public Roads.

Mr. Lockhart introduced bill No. 57, entitled "An act to compel the delivery of books and papers, by public officers."

Referred to Committee on Judiciary.

Mr. Columbia introduced Bill 58, entitled "An act to locate a Territorial road from Wilmington to the mouth of Diamond Spring creek, in Wise county."

Referred to Committee on Public Roads.

Reports from standing committees:

Mr. Moore, chairman of committee on Judiciary, reported back House Bill No. 53, entitled "An act for the relief of John Bentz," and moved the rules be suspended and the bill read a second time; and also, that the rules be suspended, and the bill be considered engrossed and passed to a third reading.

Carried.

The bill was now upon its final passage, and

Passed, and

The title adopted.

The election for public printer being the special order for ten o'clock, Mr. Mitchell moved to postpone the election until tomorrow, at ten o'clock A. M.

Mr. Speer raised the question that the motion was out of order.

The speaker decided the motion to be in order.

Mr. Speer took an appeal from the decision of the chair.

The yeas and nays being demanded, the decision of the chair was sustained by the following vote:

Yeas—Messrs. Appelman, Barry, Bennett, Badger, Curtis, Columbia, Danford, Graham, Jenkins, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Pennock, Seymour, Stewart, Zinn—19.

Nays—Messrs. Barber. Brock, Bassett, Cooper, Delong, Elliott, Hatterscheidt, Jameson, Keller, Owens, Orr, Reynard, Speer, Stratton, Wheeler—15.

The question being upon the original motion, was

Carried.

Mr. Moore introduced Bill No. 59, "An act to incorporate the City of Leavenworth, Kansas Territory, and for revising and repealing all laws and parts of laws heretofore enacted on that subject."

Referred to the committee on Judiciary.

On motion of Mr. Stratton,

Resolved, That the courtesies of the House be extended to Mr. James Redpath, editor of the *Crusader of Freedom*, and that he be entitled to a seat within the bar of the House.

Mr. Mitchell moved to lay the resolution on the table.

Carried.

On motion of Mr. Stratton,

Resolved, That the following concurrent resolutions, passed by the Legislative Assembly of the "State of Kansas," be read, and, in accordance with the directions therein entertained, that the same be acted upon by this honorable body.

The concurrent resolutions were read.

On motion,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker *pro tem.* in the Chair.

Mr. Lockhart, chairman on Engrossed Bills, made the following report:

The committee on Engrossed Bills examined House Bill No. 34, entitled "An act to provide for the investigation of election frauds," and report the same as truly engrossed.

Message from the Council:

Mr. Speaker: I am directed to inform of the passage, by the Council, of the following concurrent resolution, respectfully asking the concurrence of the House of Representatives:

Resolved, By the Council, (the House of Representatives concurring,) That the President of the Council and the speaker of the House of Representatives, be and are hereby required to make arrangements with the postmaster at Lawrence, by which the members and officers may frank their mail matter for the session, the aggregate amount of such postage to be paid out of the incidental expense fund of the Legislative Assembly.

J. K. GOODIN,
Secretary.

On motion of Mr. Bassett,

The House concurred in the resolution of the Council.

Mr. Elliott moved to refer the memorial and resolution of the free State Legislature to a special committee of five, appointed by the chair, which

Prevailed.

The chair appointed Messrs. Elliott, Speer, Moore, Cooper and Badger.

Mr. Speer moved to take up House Bill No. 15, entitled "An act to remove the county seat of Douglas county from the town of Lecompton to the town of Lawrence," and that it be passed to a third reading.

Carried.

On motion of Mr. Speer,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported back House Bill No. 15, with amendments, and asked the concurrence of the House.

On motion of Mr. Stratton,

The House concurred.

Mr. Elliott moved to add:

Section 4. All acts and parts of acts, heretofore passed, in conflict with the provisions of this act, are hereby repealed.

Which amendment was agreed to.

The question being upon the final passage of the bill, the ayes and noes were ordered, and the following was the result:

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Curtis, Columbia, Cooper, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler—31.

Noes—Messrs. Bennett, Badger, Miller, Zinn—4.

The bill passed, and

The title was adopted.

Mr. Danford, chairman of the committee on Apportionment, made thefollowing report:

The committee on Apportionment, to whom was referred so much of House Bill No. 41 as related to apportionment, having had the same under consideration, report the same back, with amendments, and recommend the concurrence of the House therein.

Amendments: Strike out all after the words "as follows," in section second, and insert the following:

Leavenworth 7; Atchison 4; Doniphan 5; Brown, Nemaha 2; Marshall, Washington, Clay 1; Riley 2; Pottawattamie 1; Calhoun 2; Jefferson 2; Johnson 2; Douglas 7; Shawnee 5; Richardson 1; Davis, Dickinson 1; Lykins 3; Franklin, Weller 2; Breckinridge, Wise, Butler 2; Madison, Coffey 2; Anderson 1; Linn 3; Bourbon 1; Allen, Woodson 1; Greenwood, Hunter 1; Godfrey, Willson 1; Dorn, McGee, Arrapahoe 1—60.

Mr. Jameson, chairman of the committee on Public Roads, submitted the following report:

The committee on Public Roads, to whom was referred House Bill No. 33, entitled "An act to locate and establish a Territorial road from the city of Elwood to the city of Topeka, in the Territory of Kansas," after a careful examination of said bill, beg leave to make the following report: Your committee, being familiar with proposed route of said road, and being convinced that the early location and establishment of the same is greatly demanded by the traveling public, and would recommend the passage of the bill, without amendment.

A. A. JAMESON,
Chairman.

And, also, report back House Bill No. 29, entitled "An act to locate a Territorial road from McCamish to Leavenworth, in the Territory of Kansas," with an amendment of an additional section, which shall read thus:

"Section 4. This act to take effect and be in force from and after its passage."

A. A. JAMESON,
Chairman.

Mr. Moore moved to take up House Bill No. 16, entitled "An act amending the boundary lines of Leavenworth county," and

On motion of Mr. McClure,

The bill was referred to the committee on Counties and County Lines.

Message from the Council:

MR. SPEAKER:—I am directed to inform your honorable body of the passage of House Bill No. 34, entitled "An act for the investigation of election frauds," with the following amendments: In section one, after the word "frauds," the words "said to have been;" also, in section first, strike out the word "Lecompton," and insert "framed at Lecompton, November the seventh, 1857;" also, to add: "Section 11. This act to be in force and take effect from and after its passage."

J. K. GOODIN,
Secretary.

Mr. Stratton presented the memorial of Solomon Miller and fifty others, asking for new voting precincts in Doniphan county, which was

Referred to the committee on Elections.

Also, the memorial of Solomon Miller and others, asking for a change in the county lines of Brown county, which was

Referred to the committee on Counties and County Lines.

On motion of Mr. Lockhart,

House Bill No. 25, entitled "An act to incorporate Cambridge Town Company," was taken up and

Referred to committee on Corporations and Banking.

Mr. Morrill introduced Bill No. 64, entitled "An act to incorporate Carson Town Company;"

Also, Bill No. 65, entitled "An act to incorporate the Capioma Town Company;"

Mr. Hatterscheidt introduced Bill No. 66, entitled "An act to incorporate the Humboldt Town Company;" which were

Referred to the committee on Corporations and Banking.

On motion of Mr. Moore, House Bill No. 34, entitled "An act to provide for the investigation of election frauds," was taken up, and,

On motion, was

Referred to Committee of the Whole, for the consideration of Council amendments.

On motion,

The House resolved itself into Committee of the Whole.

Mr. Danford in the chair.

The committee arose, and, through the chairman, reported, and recommend that the House concur in the Council amendments.

On motion of Mr. Danford,

The House concurred.

Mr. Speer, chairman of the committee on Elections, to whom was referred so much of House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State constitution" as relates to elections, reported the bill, and it was

Ordered to be printed.

Mr. Mitchell introduced Bill No. 67, entitled "An act to incorporate townships, and providing for the election of township officers, and defining their duties.

Referred to the committee on Judiciary.

Mr. Wheeler introduced Bill No. 68, entitled "An act to amend an act entitled 'An act to incorporate the city of Palermo, Kansas Territory.' "

Referred to committee on Corporations and Banking.

On motion of Mr. Speer,

House Bill No. 38, entitled "An act to provide for taking the census in certain districts therein named," and,

On motion of Mr. Speer,

The bill was considered engrossed, and

Passed to a third reading.

On motion of Mr. Moore,

The House resolved itself into a committee of the Whole, for the consideration of the bill.

Mr. Cooper in the chair.

The committee arose, and, through the chairman, reported back the bill, with sundry amendments, and asked the concurrence of the House.

The House concurred.

The question being upon the final passage, the following was the result, on the call of the yeas and nays:

Yeas were Messrs. Appelman, Barber, Brock, Bassett, Curtis, Columbia, Cooper, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Shannon, Stratton, Wheeler—30.

Nays—none.

The bill passed, and

The title was adopted.

Mr. Reynard introduced Bill No. 69, entitled "An act to incorporate the Wilmington Town Company."

Referred to the committee on Corporations and Banking.

Mr. Mitchell gave notice that he would, at an early day, introduce a bill regulating marriages.

Mr. Jameson gave notice that he would, at an early day, introduce a bill for the location and establishment of Territorial roads in the Territory of Kansas.

Message from the Council :

I have the honor to inform of the passage, by the Council, of Council Bill No. 16, entitled "An act to define the several Judicial districts of the Territory of Kansas."

J. K. GOODIN,
Secretary.

On motion of Mr. Elliott,

The resolution admitting James Redpath, editor of the *Crusader of Freedom*, was taken up by the following vote:

Mr. Jameson having called for the ayes and noes,

Ayes were Messrs. Appelman, Barber, Brock, Curtis, Cooper, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Keller, Lockhart, Morrill, Moore, Owens, Pennock, Speer, Seymour, Still, Stratton, Wheeler—22.

Noes were Messrs. Barry, Badger, Bassett, Columbia, Jenkins, McClure, Mitchell, Miller, Orr, Stewart, Zinn—11.

Mr. Cooper moved to strike out all after the word "resolved."

Mr. Elliott called for the ayes and noes.

Pending the consideration of the motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, January 14, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker, *pro tem.*, in the chair.

Prayer by the chaplain.

Roll called.

Absentees—Messrs. Adkins, Barry, Bennett, Elliott, Hatterscheidt, Keller, Pennock, Speer and Wheeler.

Pending the reading of the journal,

Mr. Bassett moved the further reading be deferred until the printed copy could be obtained.

So deferred.

Presentations of petitions, memorials and remonstrances being in order,

Mr. Morrill presented a memorial from W. S. Blackburn, in relation to the election of Marshall county.

Mr. Reynard introduced Bill No. 71, entitled "An act to establish a Territorial road from Topeka bridge to the Nebraska-Kansas line."

Referred to the Committee on Public Roads.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported as follows :

The committee on Corporations and Banking, to whom was referred sundry bills, beg leave to report, that they have had the same under consideration, and report back House Bill No. 6, entitled "An act to incorporate the Gardner Town Company;"

Also, House Bill No. 46, entitled "An act to authorize the formation of voluntary associations ;"

Also, House Bill No. 64, entitled "An act to incorporate the Carson Town Company ;"

Also, House Bill No. 65, entitled "An act to incorporate the Capioma Town Company ;"

Also, House Bill No. 66, entitled "An act to incorporate the Humboldt Town Company;"

Also, House Bill No. 69, entitled "An act to incorporate the Wilmington Town Company," without amendment.

Committee on Public Roads reported as follows :

The committee on Public Roads, to whom was referred House Bill No. 28, entitled "An act to establish a Territorial road from Gardiner to Lawrence, in the Territory of Kansas ;"

Also, House Bill No. 54, entitled "An act to locate and establish a Territorial road from Lawrence to Osawatomie, in the Territory of Kansas," without amendment;

Also, House Bill No. 43, entitled "An act establishing and declaring a certain road a Territorial road," having examined the same, would beg leave to make the following report :

Your committee would recommend the passage of said bill with an amendment to the title, so as to read "An act declaring the road from Fort Riley to Council Grove, in the Territory of Kansas, a Territorial road."

Mr. Moore, chairman of the committee on Judiciary, made the following report :

Your committee have had under consideration House Bill No. 35, entitled "An act to create an additional office of constable in each township, in each county, in the Territory of Kansas," without amendment.

Mr. Moore introduced Bill No. 72, entitled "An act to incorporate the Elwood, Kennekuk and Fort Riley Railroad Company."

Referred to the committee on Public Roads.

Also, Bill No. 73, entitled "An act to incorporate Geary City."

Mr. Stratton introduced Bill No. 74, entitled "An act to incorporate and establish the city of Doniphan, Kansas Territory, and for revising and repealing all laws and parts of laws heretofore enacted on that subject," which were

Referred to committee on Corporations and Banking.

Mr. Miller, introduced the following bills:

Bill No. 75, entitled "An act to incorporate the Marble Falls Town Company, in Marshall county, Kansas Territory;"

Also, Bill No. 76, entitled "An act to incorporate the Marietta Town Company, in Marshall county, Kansas Territory;"

Also, Bill No. 77, entitled "An act to incorporate the Otoe Town Company," which were

Referred to the committee on Corporations and Banking.

Mr. Zinn introduced Bill No. 78, entitled "An act to establish a Territorial road from the town of Big Springs, in the county of Douglas, to Ottumwa, in the county of Coffey, Kansas Territory."

Referred to committee on Public Roads.

Mr. Seymour gave notice that he would, at an early day, introduce a bill to incorporate the Prairie city, Gardner and Missouri State line Railroad Company.

Mr. Graham introduced Bill No. 79, entitled "An act regulating the sale of Spirituous Liquors."

Referred to the committee on Vice and Immorality.

Mr. Speer introduced Bill No. 80, entitled "An act to incorporate the Brooklyn Town Company."

Referred to the committee on Corporations and Banking.

Mr. Still introduced Bill No. 81, entitled "An act to establish a Territorial road from Lawrence, via Palmyria, thence to Peoria city, and thence to Ohio city."

Referred to committee on Public Roads.

Mr. Moore gave notice that he would, on to-morrow, or a subsequent day, introduce a bill to incorporate the Leavenworth City Gas Company.

Mr. Cooper gave notice that he would, at an early day, introduce a bill to establish a Territorial road from the town of Grasshopper Falls to the city of Lecompton.

Mr. Orr gave notice that he would, at an early day, introduce a bill to establish a Territorial road from Leavenworth City to Fort Riley.

Mr McClure presented four memorials from citizens of Kansas Territory, praying for an act of incorporation for the Leavenworth and Fort Gibson Railroad Company, which were

Refereed to the committee on Corporations and Banking,

Mr. Reynard introduced Bill No. 83, entitled "An act to incorporate the Holton Town Company."

Referred to committee on Corporations and Banking.

Mr. Pennock gave notice that he would, at an early day, introduce a bill to incorporate the Crittenden Town Company.

Message from the Council :

MR. SPEAKER :—I am instructed by the Council to inform the House of Representatives that the Council has passed Council Bill No. 8, entitled "An act to legalize the charter and city government of the city of Lawrence ;"

Also, Council Bill No. 25, entitled "An act locating, permanently, the county seat of Riley county."

G. A. COLTON,
Assistant Secretary.

Mr. Cooper gave notice that, at an early day, he would introduce a bill in regard to the violation of the Sabbath.

Mr. Lockhart, chairman of committee on Engrossed Bills, reported that they have had under consideration House Bills Nos. 15 and 36, and report the same truly engrossed.

Mr. Curtis gave notice that, at an early day, he would introduce a bill of Exemption from sale on Execution, to heads of families, a homestead.

Mr. Bassett gave notice that he would, at an early day, introduce a bill regulating Drahshops and sale of Spirituous Liquors.

On motion of Mr. Owens,

House Bill No. 19, entitled "An act to establish and charter a ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas," was taken up, and

Referred to the committee on Public Roads.

Mr. Danford gave notice that he would, on to-morrow or some subsequent day, introduce a bill to provide for the holding and conducting of elections.

Mr. Pennock moved to take up the resolution in relation to Public Printer, which was made the special order for 10 o'clock to-morrow.

Mr. Bassett moved to postpone until 10 o'clock to-morrow.

Carried.

Mr. Moore moved to postpone the consideration of the resolution in regard to Redpath.

Carried.

On motion of Mr. Barry,

Resolved, That Council Bill No. 25, entitled "An act permanently locating the county seat of Riley county," be referred to the special committee of this House investigating the contested election of the county seat of said Riley county.

Carried.

On motion of Mr. Barry,

House Bill No. 7, entitled "An act to establish a public ferry on the Big Blue river," was taken up, and

Read a second time.

The journal was read, amended and approved.

On motion of Mr. Hatterscheidt,

House Bill No. 12, entitled "An act to provide for the publication, in Kansas Journals, of the laws passed by this Legislative Assembly," was taken up, and

Read a second time, and

On motion, was

Referred to the committee on Printing.

Mr. Morrill moved to take up House Bill No. 27, entitled "An act in relation to resignations."

Carried.

Read a second time, and

Referred to the committee on Counties and County Lines.

Message from the Council:

Mr. Speaker:—I have the honor to inform, that the Council have passed Council Bill No. 53, entitled "An act for the relief of John Bentz," without amendment.

J. K. GOODIN,
Secretary.

On motion of Mr. Curtis,

House Bill No. 54, entitled "An act to locate and establish a Territorial road from Lawrence to Osawatomie via Blanton's Bridge, Brooklyn, Peoria City, Prairie City, Stanton and Indianapolis," was taken up, and

Read a second time.

On motion of Mr. Pennock,

House Bill No. 50, entitled "An act to establish a Territorial road from the city of Leavenworth to Grasshopper Falls, Jefferson county, Kansas Territory," was taken up, and

Read a second time.

On motion of Mr. Hanna,

House Bill No. 24, entitled "An act to abolish and prohibit Slavery in the Territory of Kansas," was taken up, and

Read a second time.

Mr. Seymour moved to take up House Bill No. 25, entitled "An act to locate a Territorial road from McCamish to the city of Leavenworth," and that it be read a second time.

Carried.

Mr. Stewart moved to take up House Bill No. 49, entitled "An act to provide for the location of Territorial roads in the Territory of Kansas," and that it be read a second time.

Carried.

Mr. Stratton moved to take up House Bill No. 33, entitled "An act to locate and establish a Territorial road from the city of Elwood to the city of Topeka," and that the bill be read a second time.

Carried.

Mr. Speer moved to take up Council Bill No. 8, which was

Agreed to, and

Ordered to be printed.

Mr. Seymour moved to take up House Bill No. 6, entitled "An act to incorporate the Gardner Town Company," and that the bill be read a second time.

Carried.

Mr. Speer introduced the following Bills:

Bill No. 84, entitled "An act to incorporate the Georgetown Town Company;"

Bill No. 85, entitled "An act to incorporate the Pleasant Valley Town Company," which were

Referred to Committee on Corporatons and Banking.

Mr. Morrill introduced Bill No. 86, entitled "An act to locate and establish a Territorial road from Manhattan, in Riley county, to Cincinnati, in Nemaha county," which was

Referred to the committee on Public Roads.

Mr. Seymour moved to take up House Bill No. 13, entitled "An act to provide for the creation and regulation of incorporated companies in the Territory of Kansas," and moved its reference to the

Committee on Corporations and Banking.

Carried.

Mr. Deitzler introduced Bill No. 87, entitled "An act to change the name of Eliza Hamilton, and make her heir at law to H. J. Canniff," which was

Referred to Committee on Judiciary.

On motion of Mr. McClure,

Resolved, That the courtesies of the House be extended to Adam Fisher, Esq., Gen. J. H. Noteware of the city of Leavenworth, and that they be invited to seats within the bar of the House.

Carried.

Mr. Deitzler presented a memorial from E. P. Bancroft, and two hundred and fifty others, asking a change in the county lines of Breckinridge county.

Referred to committee on Counties and County Lines.

On motion of Mr. Speer,

Resolved, That James Redpath, Esq., be admitted to a seat in this House as reporter for the *Crusader of Freedom*.

Mr. Cooper offered the following as a substitute:

Resolved, That newspaper reporters and others be admitted to seats within the bar of the House, on application to the speaker and by the consent of the House.

The substitute was

Lost.

Mr. Speer withdrew his resolution.

Mr. Danford offered the following:

Resolved, That the reporters for the press be admitted to seats within the bar of the House.

Carried.

On motion of Mr. Orr,

Resolved, That the courtesies of the House be extended to Henry J. Adams, Mayor of the city of Leavehworth, and that he be invited to a seat within the bar of the House.

Carried.

Mr. Elliott submitted the following report:

The special committee to whom was referred the memorial in the form of concurrent resolutions, passed by the General Assembly of the State of Kansas and presented to this Legislative Assembly, have had the same under consideration, and beg leave to make the following report:

In view of the probable admission of Kansas into the Union as a State, under a constitution which has not had its origin with the people, and which has been rejected by a large majority of all the votes polled at an election held under the act passed by this body at its recent session, providing for the submission of the same to a fair vote of all the people, it is deemed important that the State Government, organized under the constitution framed at Topeka, should be maintained for any emergency that may arise. They would also recommend that the General Assembly of the State of Kansas pass such laws of a general nature as may be necessary to the operation of that government, to be enforced as soon as it shall be ascertained that Congress has forced upon us the constitution framed at Lecompton, and that we have been defrauded of our rights under the election. They would further recommend that, as both legislative bodies are representatves of the same people, the concert of action between them, so far as practicable, should be aimed at, and that harmony and a mutual confidence should be cultivated.

All of which is respectfully submitted.

R. G. ELLIOTT, Ch'n.
S. S. COOPER,
JOHN SPEER.
H. MILES MOORE.

On motion of Mr. Danford,

The report of the committee was accepted.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Pennock,

Resolved, That Judge S. N. Latta, Doctors J. M. Morris and James Davis, of the city of Leavenworth, be admitted to a seat within the bar of the House.

Carried.

Mr. Moore introduced Bill No. 89, with memorial attached, entitled "An act to establish and charter a Bridge Company, to build a bridge across the Little Arkansas river."

Referred to the committee on Corporations and Banking.

Mr. Hanna introduced Bill No. 90, entitled "An act to incorporate the Battle Hill Town Association," which was

Referred to the committee on Corporations and Banking.

Mr. Hanna moved to take up House Bill No. 46, entitled "An act for the formation of voluntary associations," and that it be

Read a second time.

Carried.

Mr. Moore introduced Bill No. 91, entitled "An act to incorporate the Leavenworth City Gas Company."

By request, was

Referred to the committee on Judiciary.

Mr. Speer introduced Bill No. 92, entitled "An act to establish a Territorial road from the town of Lawrence to the town of Humboldt."

Referred to the committee on Public Roads.

Mr. McClure moved to adjourn.

Lost.

Mr. Moore, chairman of the committee on Judiciary, reported back House Bill No. 67, entitled "An act to incorporate townships, and provide for the election of township officers, and defining their duties," without amendment.

Mr. Speer moved to take up the report of the special committee on concurrent resolutions of the Free State Legislature.

Carried.

Message from the Council:

MR. SPEAKER:—I am directed to inform, that the Council have passed Council Bill No. 4, entitled "An act establishing a ferry at or near the junction of the Big and Little Blue rivers, Kansas Territory," asking the favorable action of the House of Representatives thereon.

J. K. GOODIN,
Secretary.

Mr. Hanna moved that the further consideration of the Topeka resolutions be postponed until after the report of the minority committee concerning the concurrent resolutions of the State Legislature.

Mr. Stratton moved to amend, so as to read "until Saturday, at 10 o'clock A. M."

Mr. Hanna moved to amend the amendment, so as to postpone until Monday, at 10 o'clock A. M.

The motion, as amended by Mr. Hanna, was carried.

On motion of Mr. Bassett, House Bill No. 20, entitled "An act to provide for the repeal of certain laws of Kansas Territory," was taken up and

Read a second time.

Mr. Jameson, chairman of the committee on Public Roads, submitted the following report:

The committee on Public Roads, to whom was referred House Bill No. 2, entitled "An act to locate and establish a Territorial road from Wyandott to Fort Scott, via Shawnee, Indianapolis, Paris, Moneka and Sugar Mound, have had the same under consideration, and report it back to the House, with the following amendments: In the first line, strike out the name of O. B. Gunn, and insert the name of I. M. Fank, and, in the second line, strike out the "April," and insert "June;" also, House Bill No. 60, entitled "An act to establish and charter a Ferry across the Kansas river, at Lecompton, in the Territory of Kansas;" have had the same under consideration, and report the same back, without amendment.

Also, House Bill No. 4, entitled "An act declaring certain roads Territorial roads;" after examining the same, your committee beg leave to report the same back with amendment.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back House Bill No. 68, entitled "An act to amend an act entitled 'An act to incorporate the city of Palermo, Kansas Territory,'" without amendment.

Ordered to be printed.

On motion,

The House adjourned until to-morrow morning, at nine o'clock.

FRIDAY, January 15th 1858.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees were Messrs. Adkins, Bassett, Badger, Jameson, Jenkins, Morrill, Miller, Seymour and Still—9.

Journal was read, corrected and approved.

Presentation of petitions, memorials and remonstrances being in order,

Mr. Seymour presented the petition and accompanying documents of Archibald Elliott, of Atchison county, contesting the right of W. P. Badger to a seat in this House, and asked its reference to the committee on Elections, with instructions to report at as early an hour as possible.

Was so referred.

Mr. McClure presented the petition of A. R. Morton and others, praying for the charter of the Leavenworth and Fort Gibson Railroad Company.

Referred to Committee on Corporations and Banking.

Mr. Curtis gave notice that he would, on a subsequent day, introduce a bill regulating descent and distribution of estates.

Mr. Stewart moved to take up the resolution providing for the election of public printer, which was made the special order for ten o'clock.

Mr. Hatterscheidt moved to indefinitely postpone the whole matter.

Mr. Lockhart moved to lay the motion on the table.

Mr. Speer moved a call of the House.

The following members answered to their names.

Messrs. Appelman, Barber, Barry, Brock, Bennett, Badger, Bassett, Curtis, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn and Mr. Speaker—37.

Absent—Messrs. Adkins, Miller and Shannon.

Mr. Adkins and Shannon not being present at any time during the session, the sergeant-at-arms was instructed to bring Mr. Miller within the bar of the House.

On motion,

The further proceedings under the call of the House was dispensed with.

The ayes and noes being demanded on Mr. Lockhart's motion, it resulted as follows:

Ayes—Messrs. Appelman, Barry, Bennett, Badger, Curtis, Columbia, Cooper, Danford, Graham, Hanna, Lockhart, Morrill, Moore, McClure, Mitchell, Orr, Pennock, Stewart, Zinn—19.

Noes—Messrs. Barber, Brock, Bassett, Delong, Elliott, Hatterscheidt, Jameson, Jenkins, Keller, Owens, Reynard, Speer, Seymour, Still, Stratton, Wheeler—16.

The motion was sustained.

Whereupon Mr. Stewart withdrew the name of G. W. Brown, as a candidate for the office of public printer.

Mr. Owens withdrew the name of J. M. Walden.

Mr. Cooper withdrew the name of Norman Allen.

Mr. Graham moved to postpone the election until ten o'clock, on Tuesday the 19th instant.

Mr. Morrill moved to amend by inserting "the fourth of July next."

Mr. Cooper moved the previous question.

The question being upon the motion of Mr. Morrill,

The ayes and noes were demanded, with the following result:

Ayes—Messrs. Barber, Brock, Bassett, Delong, Elliott, Hatterscheidt, Jameson, Jenkins, Morrill, Owens, Orr, Reynard, Speer, Seymour, Still, Stratton, Wheeler and Mr. Speaker—18.

Noes—Messrs. Appelman, Barry, Bennett, Badger, Curtis, Columbia, Cooper, Danford, Graham, Hanna, Keller, Lockhart, Moore, McClure, Mitchell, Miller, Pennock, Stewart, Wheeler—19.

The motion was lost.

The question being upon the amendment offered by Mr. Graham, to postpone until Tuesday, the 19th instant, at ten o'clock, the ayes and noes were demanded, and resulted as follows:

Ayes—Messrs. Barber, Brock, Bassett, Delong, Elliott, Graham, Hatterscheidt, Jameson, Owens, Orr, Speer, Seymour, Stratton, Wheeler—14.

Noes—Messrs. Appelman, Barry, Bennett, Badger, Curtis, Columbia, Cooper, Danford, Hanna, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Pennock, Reynard, Still, Stewart, Zinn—22.

The question being upon the original motion of Mr. Stewart, to proceed to the election of public printer, it was carried, and the following was the result of said election:

Those voting for Champion Vaughan were

Messrs. Appelman, Barry, Bennett, Badger, Curtis, Columbia, Danford, Graham, Hanna, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Pennock, Stewart, Zinn—19.

Those voting for W. W. Ross were

Messrs. Barber, Brock, Bassett, Cooper, Delong, Elliott, Hatterscheidt, Jameson, Jenkins, Owens, Orr, Reynard, Speer, Seymour, Still, Stratton, Wheeler and Mr. Speaker—18.

Whole number, thirty-seven.

For C. Vaughan, nineteen.

For W. W. Ross, eighteen.

Mr. Vaughn, having received a majority of all the votes cast, was declared duly elected Public Printer for this House.

On motion of Mr. Speer,

Resolved, That, until Champion Vaughn shall signify his acceptance of the office of Printer for this House, Mr. W. W. Ross shall be authorized to do the printing.

Which was carried.

Mr. Jameson, chairman of the committee on Public Roads, made the following report:

The committee, to whom was referred House Bill No. 19, entitled "An act to establish and charter a ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas;"

House Bill No. 61, entitled "An act to establish a Territorial road from Amazonia to Robinson, in the Territory of Kansas;"

House Bill No. 56, entitled "An act to locate and establish a Territorial road from Ohio city to McCamish, in the Territory of Kansas;"

House Bill No. 48, entitled "An act to establish Territorial roads from Iowa Point and White Cloud to Palmetto, in the Territory of Kansas;"

House Bill No. 30, entitled "An act to locate and establish a Territorial road from Palermo to a point on the Nebraska line, near Roy's ferry via Cottonwood Springs and Highland, in the Territory of Kansas;"

House Bill No. 78, entitled "An act to establish a Territorial road from the town of Big Springs to Ottumwa, in the Territory of Kansas;"

House Bill No. 42, entitled "An act to establish a Territorial road from Topeka to Emporia, in the Territory of Kansas;"

House Bill No. 50, entitled "An act to establish a Territorial road from Leavenworth to Grasshopper Falls, in the Territory of Kansas;"

House Bill No. 86, entitled "An act to locate and establish a Territorial road from Manhattan to Cincinnati, near the line between Kansas and Nebraska;"

House Bill No. 92, entitled "An act to establish a Territorial road from Lawrence to Humboldt, in the Territory of Kansas."

Your committee have had under consideration the aforenamed bills, and beg leave to report back all of the same, without amendment, and recommend their passage.

A. A. JAMESON,
Chairman.

Mr. Moore, chairman of the committee on Judiciary, to whom was referred House Bill No. 87, entitled "An act to change the name of Eliza Hamilton and make her heir-at-law of H. J. Canniff," reported the same back, without amendment.

Mr. Orr introduced Bill No. 85, entitled "An act to establish a Territorial road from Leavenworth to Fort Riley."

Referred to committee on Public Roads.

On motion of Mr. Mitchell,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council:

Mr. Speaker:—I am instructed to inform that the Council have passed House Bill No. 15, entitled "An act to remove the county seat of Douglas county from the town of Lecompton to the town of Lawrence," with an amendment.

In third line, section one, after the word Lecompton, add the words "and temporarily located at."

Also, the Council has passed Council Bill No. 37, entitled "An act amending an act providing for the investigation of

Election Frauds," respectfully recommending your immediate consideration.

J. K. GOODIN,
Secretary.

Messrs. Seymour, Owens, Mitchell and Stratton asked leave of absence.

Granted.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Danford in the chair, for the consideration of Council Bill No. 37, "An act amending an act entitled 'An act providing for the investigation of Election Frauds.' "

The committee arose, and, through the chairman, reported a substitute for the bill, and asked the concurrence of the House therein.

Mr. McClure moved its reference to the committee on Judiciary.

Was so referred.

Mr. Mitchell, on behalf of the committee on Judiciary, requested leave to sit during the sitting of the House, which was

Granted.

Committee on Judiciary, through Mr. Moore, the chairman, reported for Council Bill No. 37 "An act supplemental to an act providing for the investigation of Election Frauds."

On motion,

The House resolved itself into Committee of the Whole to consider the supplemental bill to Council Bill 37.

Mr. Danford in the chair.

The committee arose, and, through the chairman, reported the supplemental bill, without amendment, and recommended its passage.

On motion,

The bill passed, and

The title was adopted.

Mr. Delong, chairman of the committee on Agriculture and Manufactures, made the following report:

The committee to whom was referred House Bill No. 37, entitled "An act to provide for the regulation of the running at large of swine," have had the same under consideration, and beg leave to report the same back, without amendment.

Mr. Bassett, chairman of special committee to whom was referred the policy of enacting general incorporation laws, submitted the following report:

Your committee, to whom was referred the policy of enacting general incorporation laws, respectfully report that they have had the same under consideration, and beg leave to submit the following:

Special Legislation in a new country is fraught with great evil, occasioning strife, and embroiling different sections of the country in bitter feuds. This should be guarded against, by doing as little local legislation as possible. Besides, by passing general incorporation laws, the business which would require months, can be contracted into a day, and, instead of having several thousand pages of special laws in our statutes, we do away with them entirely. Therefore, your committee would recommend that a special committee of three be appointed to frame a general incorporation law, and that all special legislation be restrained as much as possible, until after the report of said committee.

Mr. Moore moved the adoption of the report.

Mr. Hanna moved to lay the motion on the table until Monday next.

Carried.

Mr. Speer, chairman of the committee on Elections, reported back House Bill No. 27 entitled "An act in relation to Resignations," with amendments.

Question being on the final passage,

The bill passed, and

The title was adopted.

Mr. Mitchell, chairman of the committee on Corporations and Banking, made the following report:

Your committee, to whom was referred House Bill No. 25, entitled "An act to incorporate the Cambridge Town Company;" also, House Bill No. 77, entitled "An act to incorporate the Otoe Town Company;" also, House Bill No. 84, entitled "An act to incorporate the Georgetown Town Company;" also, House Bill No. 85, entitled "An act to incorporate the Pleasant Valley Town Company;" report the same back, with amendments.

Also, report back House Bill No. 80, entitled "An act to incorporate the Brooklyn Town Company;" also, House Bill No. 90, entitled "An act to incorporate the Battle Hill Town Company;" without amendment.

Mr. Danford introduced Bill No. 96, entitled "An act to incorporate the Mound City Town Association."

Referred to committee on Corporations and Banking.

Mr. Lockhart introduced Bill No. 97, entitled "An act to remove the county seat of Johnson county from Shawnee to Olathe."

Referred to the committee on Counties and County Lines.

On motion of Mr. Morrill,

House Bill No. 19, entitled "An act to establish and charter a ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas," was taken up and

Read a second time.

Mr. Bassett moved that the bill be referred to a special committee of three, and that they be authorized to administer oaths.

Carried.

Mr. Badger introduced Bill No. 71, entitled "An act to establish a Territorial road from Palermo to Manhattan."

Referred to the Committee on Public Roads.

Mr. Hanna introduced Bill No. 95, entitled "An act to incorporate the Cherokee Mining Company."

Referred to the committee on Corporations and Banking.

Mr. McClure, gave notice that he would, at an early day, introduce a bill to charter the Leavenworth and Fort Gibson Railroad Company.

Also, "An act relative to the construction of statutes."

Also, "An act to remove the seat of government of Kansas Territory."

Mr. Morrill introduced the following bills:

Bill No. 100, entitled "An act to incorporate the Seneca Town Company;"

Bill No. 101, entitled "An act to incorporate the Sabetha Town Company;"

Bill No. 102, entitled "An act to incorporate the Padonia Town Company;" which were

Referred to the committee on Corporations and Banking.

Mr. McClure introduced Bill No. 103, entitled "An act to incorporate the Leavenworth and Fort Gibson Railroad Company."

Referred to the committee on Corporations and Banking.

Mr. Orr introduced Bill No. 104, entitled "An act to incorporate the Osage City Association."

Referred to the committee on Corporations and Banking.

Mr. Jameson introduced Bill No. 105, entitled "An act to authorize Jacob N. McCall to build a bridge across Independence Creek."

Referred to the committee on Public Roads.

Mr. McClure introduced Bill No. 106, entitled "An act in relation to the construction of statutes."

Referred to the committee on Judiciary.

Mr. Moore, chairman of the committee on Judiciary, submitted the following report:

The Judiciary committee have had under consideration Council Bill No. 27, entitled "An act in relation to resignations," and report a substitute in lieu thereof.

Mr. Wheeler gave notice that he would, at an early day, introduce a bill to incorporate the Palermo City Company.

On motion of Mr. Speer,

Resolved, By the House of Representatives and the Council, (the Council concurring,) That the style of all laws shall hereafter be: "Sec. 1st. Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas," and that the superintendent of public printing be authorized so to correct the laws, passed at the recent special session, as to make them conform to this rule.

Mr. Danford moved to refer the resolution to the committee on Phraseology.

Carried.

On motion of Mr. Elliott,

Resolved, That the Treasurer be requested to furnish, immediately, to each House of the Legislative Assembly, a detailed statement of the Treasury, as required by the first section of the fourth article of chapter 158 of the statutes of 1855, of Kansas Territory.

On motion of Mr. Elliott,

Resolved, That the Comptroller of the Treasury be requested to furnish, immediately, to this Legislative Assembly, a full and detailed statement of the condition of the revenue and amount of expenditures, of the public debt, appropriations, &c., as required by section second, article second, chapter 158, statutes of 1855, of Kansas Territory.

Carried.

Mr. Elliott, gave notice that he would, at an early day, introduce a bill to establish a general system of public roads.

Mr. Lockhart, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have had under consideration House Bill No. 27, entitled "An act in relation to resignations," and report the same as truly engrossed.

Major General J. H. Lane, submitted the following report:

HEAD QUARTERS KANSAS MILITIA,
LAWRENCE, Jan. 15, 1858.

To his Excellency the acting Governor of Kansas Territory, the President of the Council, Speaker of the House of Representatives of the Legislative Assembly:

GENTLEMEN:—In the discharge of duty, I submit the following report on a subject which has excited much interest and comment. At the time of my election, by your honorable body, as Major General of the Militia, news was rife, as you will remember, of a disturbance in Bourbon county.

Immediately after the adjournment of your special session, I repaired to the scene of action, sending Generals Phillips and Plumb in advance, to inform the people that a force of U. S. troops were moving in that direction. Accompanied by Gens. Stratton, Whitman, Shore and Leonhart, I arrived at Sugar Mound, where the people were encamped, under the command of Col. J. B. Abbott, shortly after the messenger. On inquiry, I ascertained that the people had been compelled to take up arms, for these causes and reasons:

Two years ago, a man named G. W. Clark, notorious for his connection with the murder of the lamented Barber, organized a band of marauders in Missouri, who invaded that district of the Territory, laying waste the country, driving off the Free State settlers, plundering and insulting them and their families, and then taking possession of their claims and stock, which they were compelled to leave. During the present summer and autumn a number of the settlers thus expelled from that district, returned, and endeavored, by peaceable means, to recover their rights and property. They were met by writs obtained from unscrupulous and unjust officers, many of them arrested on pretended charges, for offenses which were never committed, and imprisoned at Fort Scott, in cells unfit even for felons to inhabit; in several cases their property was sold at nominal prices, and driven out of the Territory, to defray expenses not yet accrued, and other outrages perpetrated similar to those which drove the people to arms in former periods of our history. During the perpetrationof these outrages, Col. Abbott, Dr. Gilpatrick and Rev. J. E. Stewart, who had been ordered there, arrived and proceeded to establish a Squatter's court, for the redress of grievances and the restoration of peace. About the time they closed their sittings, having decided all the cases on the Little Osage, they were assaulted by an armed mob, five times their number, pretending to act under the authority of an U. S. Marshal. The assault was successfully worsted—several assailants killed and wounded, and the remainder driven back to their dens in Missouri. It was immediately after this conflict that I arrived at Sugar Mound, proceeded at once to enroll the people under your act of Dec. 17th; sent out scouting parties in all directions, informing the people that we were to protect all actual settlers, without reference to their political opinions. We were ~~kindly~~ received by all, and our authority cheerfully recognized.

On the evening the companies were to be disbanded, our scouts brought news that a company of U. S. troops were moving upon us with the avowed intention of attacking us. We immediately took position, intending, if possible, with honor, to avoid a conflict, but prepared to meet it successfully if forced upon us. We remained in this position, thus taken, until we ascertained that the U. S. troops had marched to Fort Scott, and had received written assurances from Judge Williams that the Free State prisoners would be protected and treated kindly. Peace being restored we disbanded the command, retaining two companies in the field, some thirty men, with orders to protect the inhabitants. On my return to Lawrence, a writ from Judge Miller, Probate Judge of this county, was placed in the hands of Captain Miller, of my command, for the arrest of the judges and clerks of the election in Johnson county, who had participated in the frauds committed at the election held on the twenty-first of December. As the prompt service of the writ was deemed important, I thought incumbent to go in person with the command. The duty was discharged and the command disbanded.

These expeditions have been attended with some expense, a full and concise account of which has been kept, and will be transmitted, with vouchers, to you, from the Quarter-Master's and Commissary's Departments.

As the object of the organization, provided for in the law of December 17th, was the protection of the people of Kansas, and as the action had was indispensable in that direction, it is hoped it will meet your hearty approval.

Respectfully,

J. H. LANE,
Maj. General.

On motion of Mr. McClure,

Resolved, That two thousand copies of the report of the result of the late election for State officers under the Lecompton Constitution, on January 4th, 1858, and reported by the President of the Council and Speaker of the House of Representatives, be printed for the use of the House.

Carried.

Message from the Governor:

LAWRENCE, K. T., Jan. 14, 1858.

HON. G. W. DEITZLER,

Speaker of the House of Representatives:

SIR:—I have this day approved an act entitled "An act providing for the investigation of Election Frauds."

J. W. DENVER,
Acting Governor.

On motion,

The House adjourned until Monday, at 9 o'clock A. M.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, January 18, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees were Messrs. Adkins, Appelman, Barber, Brock Badger, Keller, Orr, Speer, Still, Stewart and Shannon—11.

Mr. Owens absent on leave.

The journal was read, corrected and approved.

Petitions, memorials and remonstrances being in order, Mr. Seymour presented the memorial of Thomas Basington and seventy-four others, praying for the extension of the boundary lines of Johnson county.

Referred to the committee on Counties and County Lines.

Reports from Standing Committees being in order,

Mr. Moore, chairman of the committee on Judiciary, reported back House Bill No. 106, entitled "An act in relation to the construction of Statutes," without amendment.

Also, reported back a substitute for House Bill No. 51, entitled "An act securing liens to Mechanics and others," and recommended its passage.

Also, reports back House Bill No. 20, entitled "An act for the repeal of certain laws," and recommend that it lay on the table.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back House Bill No. 55, entitled "An act to incorporate the Osawatomie Town Company."

Also, House Bill No. 75, entitled "An act to incorporate the Marble Falls Town Company, in Marshall county, Kansas Territory," with sundry amendments.

Also, House Bill No. 96, entitled "An act to incorporate the Mound City Town Company," and recommend its passage.

Introduction of bills being in order,

Mr. Graham introduced Bill No. 108, entitled "An act to incorporate the White Cloud City Company," which was

Referred to the committee on Corporations and Banking.

Also, Bill No. 109, entitled "An act to authorize Ozias Bailey and Cornelius Dorland to keep a ferry across the Missouri river, at White Cloud, Doniphan county, Kansas Territory."

Mr. Cooper, introduced Bill No. 110, entitled "An act to establish and regulate ferries," which were

Referred to the committee on Public Roads.

Also, Bill No. 111, entitled "An act to regulate the toll of Grist Mills, and prescribing the duties of millers."

Referred to the Committee on Agriculture and Manufactures.

Also, Bill No. 112, entitled "An act concerning Jails."

Referred to committee on Public Institutions.

Mr. McClure introduced Bill No. 113, entitled "An act incorporate the Superior Town Company."

Also, Bill No. 114, entitled "An act to incorporate the Minneola Town Company."

Mr. Reynard introduced Bill No. 115, entitled "An act to incorporate the Wilmington Seminary."

Mr. Barry introduced Bill No. 116, entitled "An act to incorporate the Clayton Town Company," which was

Referred to the committee on Corporations and Banking.

Mr. Hanna introduced Bill No. 117, entitled "An act to establish a Territorial Road from Emporia via Ohio City, Indianapolis, to Osawatomie."

Referred to the committee on Public Roads.

Mr. Columbia introduced Bill No. 118, entitled "An act to provide for the establishing of a Territorial road from Fort Scott to Manhattan;"

Also, Bill No. 119, entitled "An act to create and establish a Territorial road from Waubaunsee to Wilmington."

Said bills referred to Committee on Public Roads.

Mr. McClure introduced Bill No. 120, entitled "An act repealing certain acts, and establishing the temporary seat of government of Kansas Territory at Lawrence."

Referred to Committee on Judiciary.

Mr. Delong introduced Bill No. 121, entitled "An act to declare a certain road a Territorial road;"

Also, Bill No. 122, entitled "An act in relation to the Kansas river Bridge Company," which were

Referred to the committee on Public Roads.

Mr. Seymour introduced Bill No. 123, entitled "An act to incorporate the Prairie city and State Line Railroad Company."

Referred to the committee on Corporations and Banking.

Mr. Lockhart introduced Bill No. 124, entitled "An act to locate a Territorial road from Olathe to the crossing of the Wakarusa at Blue Jacket's."

Referred to the committee on Public Roads.

Mr. Cooper introduced Bill No. 125, entitled "An act for the opening, vacating and changing highways."

Referred to Committee on Public Roads.

Message from the Governor:

HON. G. W. DEITZLER,
Speaker of the House of Representatives:

I have this day approved an act entitled "An act to remove the county seat of Douglas county from the town of Lecompton to the town of Lawrence.

Jan. 16, 1858. J. W. DENVER,
Acting Governor.

Message from the Governor:

TO THE HON. G. W. DEITZLER,
Speaker of the House of Representatives:

I return this day, to the House in which it originated, an act entitled "An act for the relief of John Bentz," with my objections to the same.

The act was intended to relieve Mr. Bentz from the obligations incurred by him as surety on a bond in a criminal prosecution. I do not think the bill presented to me will [secure] that object.

There is no doubt of the right of the Governor and the Legislative Assembly to remit fines and penalties incurred under the Territorial laws, except, perhaps, as to costs, but I do not believe that the Governor and Legislative Assembly can declare judgment null and void *ab initio;* this right belongs exclusively to the courts, and the only authority the Governor and Legislative Assembly have, in the premisses, is to relieve the party from the effect of the judgment and direct the court to make such an entry on the record as may be requisite to carry out the provisions of the act. To such an act there could be no objections urged.

Jan. 15, 1858.
J. W. DENVER,
Acting Governor.

Mr. Curtis moved a reconsideration of the final vote upon the passage of House Bill No. 3, "An act for tho relief of John Bentz."

Carried.

On motion of Mr. Bassett,

The message of the Governor, together with the bill, was

Referred to the committee on Judiciary.

The report of the special committee, to whom was referred the memorial of the Free State Legislature, being the special order for ten o'clock,

Mr. Bassett moved that the further consideration of the concurrent resolutions, and the report of the special committee therein, be postponed until after the consideration of Mr. Hanna's resolution.

Carried.

Mr. Hanna offered the following:

Resolved, That the Legislative Assembly (the Council concurring) That M. F. Conway, John M. Coe and William Stevens be and are hereby appointed commissioners whose, duty it shall be to prepare and present, immediately, to the Legislature a code of civil and criminal practice and pleading.

Mr. Curtis moved the following amendment:

Strike out all after the word "resolved" and insert, "By the House of Representatives (the Council concurring) That the two Houses meet, at two o'clock P. M. to-day, in joint convention, to eleect three commissioners to prepare a uniform code of practice and pleading.

Mr. Cooper moved the previous question.

Sustained.

The question being upon the amendment of Mr. Curtis, it was carried.

The resolution, as amended, was

Adopted.

On motion of Mr. Curtis,

Resolved, That the standing committee on Ways and Means is hereby instructed to report ~~a bill~~ for the purpose of raising a revenue, at as early a day as practicable.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House that they have had under consideration the concurrent resolution of the House, providing for the election of three commissioners to prepare a uniform code of practice and pleading, and that they have passed the following amendment:

That the Judiciary committees of the respective Houses prepare a uniform code of practice and pleading, and that they report at an early day.

BEN. T. HUTCHINS,
Journal Clerk.

On motion of Mr. Hatterschiedt,

Resolved, That D. D. Cook, of Leavenworth, be invited to a seat within the bar of the House.

Carried.

Mr. Badger, from the special committee to whom was referred the memorial and concurrent resolutions of the Free State Legislature, submitted the following minority report:

The undersigned, a member of the special committee to whom was referred the concurrent resolutions passed by the General Assembly of the State of Kansas, now in session in Lawrence, convened under the authority and by virtue of the Topeka Constitution, begs leave to make the following minority report:

From a careful perusal of the said resolutions, their purport seems to be a denial of the existence of any legitimate government in this Territory prior to the 2d of October, 1855, that being the day upon which it is alleged the Topeka Constitution was adopted, and also to indorse the sentiment that the officers elected under and by virtue of said Constitution, were the only legal officers now in this Territory. This idea is clearly and distinctly set forth in the preamble to said resolutions, and it is the doctrine which this body, sitting as a Territorial Legislature, is now called upon to indorse and sanction. It is, in fact, admitting this Territorial Legislature to be an illegal body, acting without authority of law derived from any legitimate source, and, as a matter of course, all acts passed by it must be null and void. Those resolutions admit of no other construction. What is the history, in point of fact, as to this Territorial Legislature? From whence does it derive its power? The following are the facts: In May, 1854, an act was passed by Congress creating the Territories of Kansas and Nebraska. On June 30th, 1854, A. H. Reeder was appointed Governor of Kansas, under whose proclamation, issued in accordance with the Organic Act, an election was held on March 30th, 1855, at which time members of the first Territorial Legislature were elected, and subsequently commissioned by Gov. Reeder. This Legislature convened at Pawnee City, and immediately adjourned to the Shawnee Manual Labor School, and, while in session there, enacted a code of laws. These laws were subsequently recognized by Congress as valid and binding.

Again, in 1856, another election was held for the election of members of the Legislature. This Legislature, so elected, met at Lecompton on the first Monday in January, 1857, and, among others, passed "An act to define and establish the Council and Representative districts for the second Legislative Assembly, and for other purposes," approved Feb. 20th, 1857, by virtue of which, and in strict accordance with its provisions, an election was held on the fourth of October, 1857; on which day, the members composing the present Territorial Legislature, now in session, were elected. Therefore, is it not clear, and a fact incapable of being controverted, that the only vitality or legality possessed by this Legislature, is derived from the first Legislature, elected in March, 1855? Why, then, seek to assume any other position. If these are not facts, then the sitting of this Legislature is a mere farce, and all its doings mere child's play. If there is no legally constituted government, except the State Organization, by virtue of the Topeka Constitution, all the acts passed by the present Legislature, at its late extra session, are null and void. We have no law to punish election frauds, and the submission of the Lecompton Constitution to the people, was a mere farce.

It is a very difficult matter to maintain two positions, antagonistic to each other, at one and the same time. Some gentlemen may be, and undoubtedly are, very anxious to trim their sails according to the popular breeze; but they should remember that windy declamations, at political hustings, and grave assertions in the form of resolutions, to be passed by a body enacting laws by which the entire people of a Territory are to be governed, are very different things. While the minority of your committee would, in no manner pretend to indorse the means resorted to in the elections of 1855 and 1856, yet he cannot so stultify all his acts as to admit that the body now in session, and in which he holds a seat, is, sitting without any legal authority; neither does he believe that a majority of all its members are prepared to make any such admission.

If, as is the sentiment of those resolutions, the Topeka Legislature, now in session at this place, has the right to "enact such laws as the necessities of the people seem to demand," this body has no right, whatever, to pass any laws; and the sooner it adjourns, the better.

In those resolutions is found the following language:

"WHEREAS, The Federal authority represented in the Territorial laws and Territorial Legislature, is an obstacle to the successful execution of the will of the people through the State government, under the State constitution; therefore,

"*Resolved*, That we respectfully urge the General Assembly of the Territory of Kansas, now in session at Lawrence, to take immediate steps to remove the forms of a Territorial government, so far that it shall not obstruct and embarrass the State Government."

Now, this language is of very doubtful construction. It is intended to assert that the General Assembly of the Territory has the power to pass laws. If so, as a matter of course, its authority to pass laws is admitted, and it then follows that the Topeka Legislature has no such authority, for it would be absurd to say that two independent governments could exist over the same country, at one and the same time, and exercise "concurrent legislative powers."

On the other hand, it is assumed that the "General Assembly of the Territory is an illegal body." Why, then, ask it to enact laws?

Why do not the members of it, who are also members of the Topeka Legislature, leave this illegal body, and, in the other enact such laws as the necessity of the people seems to demand? Why not, if that body is the legal one, adhere to it alone, and stand or fall by it?

Having established the fact that this Legislative Assembly is the only legal law making power, your committee would, therefore, submit the following resolution:

Resolved, That the clerk of this House is hereby instructed to return the concurrent resolutions, sent here by an assemblage of people, styling themselves the Topeka State Legislature, and inform that honorable body that the Governor and Legislative Assembly of the Territory of Kansas are the only legally authorized body possessing power to enact such or any laws that the necessities of the people seem to demand.

W. P. BADGER,
Minority of said Committee.

Message from the Council:

Mr. Speaker:—I am ordered by the Council to inform the House that the Council have passed House Bill No. 37, entitled "An act supplemental to an act providing for the investigation of Election frauds."

BEN. F. HUTCHINS,
Journal Clerk.

On motion of Mr. Hanna,

Resolved, That the reports of the special committee to whom was referred the concurrent resolutions, or memorial from the State Legislature, be referred back to said committee, with instructions to report that we have every confidence in the wisdom, patriotism and prudence of the Free State Legislature; that we believe the movement which it represents had its origin in a public necessity, and that it is their province to take such action, in their own capacities, as they may think legitimate and proper, they being responsible for their own action, and we not for theirs; and, as the Territorial Legislature is not legitimately in a position to dictate to them, or concur in their acts, we have only to respectfully reiterate to them the course of action which we shall, at present, pursue, as clearly indicated in the resolution passed by this body, to the effect that we would proceed to the enactment of an entire code of laws, which shall supersede all laws, or pretended laws, passed prior to the special session of the present Legislature.

Mr. Cooper moved to postpone the further consideration of the subject until 10 o'clock to-morrow.

Mr. Cooper withdrew his motion.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

On motion of Mr. Moore,

Resolved, That A. W. McCauslin, of Leavenworth, be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Jameson,

Resolved, That the courtesies of the House be extended to the Rev. James T. Halliday and Ira Blackford, and that they be invited to seats within the bar.

Carried.

Mr. Moore, chairman of committee on Judiciary, made the following report:

The Judiciary committee, to whom was referred House Bill No. 53, entitled "An act for the relief of John Bentz," together with the objections of the Governor, beg leave to report that they have had the same under consideration, and believe the objections of the Governor to be valid, and recommend that the bill be rejected.

Mr. Hanna moved the adoption of the report, which was

Carried.

Question being upon the final passage of the bill, it was lost by the following vote.

Ayes—none.

Noes were—Messrs. Appelman, Barber, Barry, Brock, Bennett, Badger, Bassett, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Owens, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—34.

Messrs. Adkins, Curtis, Orr and Shannon being absent.

Mr. Moore, chairman of committee on Judiciary, introduced Bill No. 126, entitled "An act for the relief of John Bentz," which was

Referred to the committee on Judiciary.

On motion of Mr. Hanna, House Bill No. 36, entitled "An act to provide for taking census in certain cases," was taken up, and

Referred to the Committee of the Whole.

On motion of Mr. Danford,

The House resolved itself into a committee of the Whole, for the consideration of the bill.

Mr. McClure in the chair.

The committee arose, and, through the chairman, reported back Bill No. 36, with amendments, in which the House concurred.

Mr. McClure moved its reference to the committee on Judiciary, with instructions to report as soon as possible.

Carried.

On motion of Mr. Hanna,

House Bill No. 26, entitled "An act to prohibit and abolish slavery in the Territory of Kansas," was taken up, and

Passed to a third reading.

On motion of Mr. Hanna,

The House resolved into a Committee of the Whole for the consideration of the bill.

Mr. Elliott in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendments, and recommended the concurrence of the House therein.

The House concurred.

Mr. Hanna moved a call of the House.

Carried.

The following gentlemen answered to their names:

Messrs. Appelman, Barber, Barry, Brock, Bennett, Badger, Bassett, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhar, Morrill, Moore, McClure, Mitchell, Miller, Owens, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn and Mr. President—35.

Absentees—Messrs. Adkins, Curtis, Orr and Shannon.

Mr. Curtis was excused on account of sickness.

On motion of Mr. Speer,

Further proceedings under the call were dispensed with.

The question being upon the final passage of the bill, the ayes and noes being demanded, the following was the result:

Ayes—Messrs. Appelman, Barber, Barry, Brock, Bassett, Columbia, Cooper, Delong, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler—30.

Nays—Bennett, Miller, Zinn—3.

On motion of Mr. McClure,

Mr. Badger was excused from voting.

On motion of Mr. Bassett,

The rules were suspended, to afford Mr. Badger an opportunity of presenting a memorial.

Mr. Badger presented a memorial, to be addressed to the Congress of the United States, by the Legislative Assembly, asking for the rejection of the constitution framed at Lecompton, and the passage of an enabling act for the admission of Kansas as a State, on equal footing with other States of the Union, which is as follows:

MEMORIAL OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF KANSAS.

To the Congress of the United States:

The Legislative Assembly of the Territory of Kansas, now in session, would respectfully represent to the Congress of the United States, that entertaining an honest and sincere desire to have a settlement of the questions which have so long disturbed the peace and quiet of this Territory, and desiring to proceed regularly and fairly, and afford an opportunity to all the people of the Territory to have a voice in the formation and organization of a State government, preparatory to our admission into the Union as a sovereign State, the Council and House of Representatives most earnestly request that you will reject what is usually known as the Lecompton Constitution and pass an act substantially as follows:

AN ACT to provide for the admission of the State of Kansas into the Union on an equal footing with the original States of this Confederacy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress now assembled:

Section 1. That the Governor and Legislative Assembly of the Territory of Kansas be and the same are hereby fully authorized and empowered to provide by law for the election of delegates to a convention to frame a constitution preparatory to the admission of said Territory into the Union as one of the sovereign States; and when such constitution, so framed, by such convention, shall be presented to the President of the United States, and he shall be satisfied that its provisions are republican in form and do not conflict with the Constitution of the United States, the laws of Congress, the Treaties with the Indian tribes, nor with the rights of the General Government to the public lands or other property of the United States within the boundaries of the proposed State of Kansas; *Provided*, That said constitution shall first be submitted to a fair and impartial vote of all the qualified male citizens of the said proposed State of Kansas, of the age of twenty-one years, and resident and *bona fide* inhabitants therein for three months consecutively, next preceding the time of the election, and it shall be approved by a majority of those voting at such election, then he shall be authorized to issue a proclamation admitting said State of Kansas into the Union on an equal footing with the original States.

Such an Act we feel sure would quiet all existing troubles and give to this Territory that peace which is so much needed by the people.

Resolved, That the Governor be and is hereby authorized to transmit this memorial and resolutions to Congress immediately upon its passage.

Resolved, That the Governor be required to convene the Legislative Assembly of the Territory of Kansas immediately upon receiving the proclamation of the President of the United States.

Mr. Danford moved that the petition be made the special order for 7 o'clock P. M.

Carried.

Mr. Speer, chairman of the committee on Elections, submitted the following report:

Your committee on elections, to whom was referred the memorial of Mr. S. Blackburn, claiming to have been duly elected to the House and entitled to the seat now occupied by J. P. Miller, as Representative of Marshall county;

And, also, the memorial of Archibald Elliott, claiming to be legally elected and entitled to the seat now occupied by W. P. Badger, as Representatitive of Atchison county, report that they have had the same under consideration, and, at the solicitation of parties, request further time and power to send for persons and papers.

The Committee, therefore, offer the following:

Resolved, That the committee on Elections be instructed and empowered to send for persons and papers in the contested election cases, now pending before this House, between W. S. Blackburn and J. P. Miller, and Archibald Elliott and W. P. Badger.

Which was carried.

On motion of Mr. Speer,

Resolved, That the courtesies of this House be extended to Champion Vaughan, of the city of Leavenworth; D. T. A. Loghan and F. G. Adams, of Atchison, and Judge Andrews, of Indiana, and that they be invited to seats within the bar.

Carried.

On motion,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Moore moved that the petition, introduced by Mr. Badger, be referred to the committee on Federal Relations.

Mr. Moore withdrew his motion.

Mr. Hanna called for the reading of the memorial.

It was so ordered, and read.

Mr. Seymour moved to postpone, indefinitely, the further consideration of the petition.

Mr. Seymour withdrew his motion.

Mr. Stratton moved that the petition be adopted.

On motion of Mr. Hatterscheidt,

The ayes and noes were called, with the following result:

Ayes—Mr. Badger—1.

Noes—Messrs. Appelman, Barber, Barry, Brock, Bennett, Bassett, Curtis, Columbia, Cooper, Danford, Elliott, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Zinn—32.

Mr. Stratton called the privious question, which was the resolution of Mr. Hanna, recommitting the report of the majority and minority to the same select committee.

On motion,

The ayes and noes were called, and resulted as follows:

Ayes—Messrs. Appelman, Barber, Barry, Bennett, Badger, Curtis, Columbia, Cooper, Delong, Danford, Graham, Hanna, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Pennock, Reynard, Speer, Seymour, Still, Zinn—26.

Noes—Messrs. Brock, ~~Bassett,~~ Elliott, Hatterscheidt, Jameson, Miller, Stratton—7.

Mr. Elliott asked to be discharged from serving on the special committee, to whom was referred the concurrent resolution of the Senate and House of Representatives of the State of Kansas, under the Tepeka constitution.

Agreed to.

The chair appointed Mr. Morrill in the place of Mr. Elliott.

On motion of Mr. Speer,

Resolved, That the courtesies of the House be extended to W. S. Blackburn, Esq., of Marshall county, and Archibald Elliott, Esq., of Atchison county, and that they be invited to seats within the bar of the House.

Carried.

On motion of Mr. Cooper,

Resolved, That the several standing committees, to whom bills of a general character have been referred, be instructed to report them to the House on to-morrow.

Adopted.

Mr. Graham, chairman of the committee on Phraseology, to whom was referred the resolution of Mr. Speer, in relation to the style of laws, submitted the following report:

The committee to whom was referred the resolution of Mr. Speer, would report, as a substitute, the following resolution, and recommend its adoption:

Resolved, That the engrossing and enrolling clerks be instructed to observe the following form: "Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas: Sec. — That."

They would, also, recommend that the enforcing clause be added to the last section, and not used as a separate section.

Mr. Speer moved to amend by placing the words and figures "section first," before the enacting clause.

Lost.

The report of the committee was adopted.

On motion of Mr. Bassett,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, January 19, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. Mr. Holliday.

Roll called.

Absentees were Messrs. Adkins, Orr and Shannon.

The printed copy of the Journal not being ready, the reading of the Journal was dispensed with.

Petitions and memorials being in order,

Mr. Stewart presented sundry memorials.

Petitions of J. N. Phillips and others, praying for a charter for a railroad from Leavenworth City to Fort Gibson.

Referred to the committee on Corporations and Banking.

Also, memorial from J. H. Beemis and others, praying for a new county.

Referred to committee on Counties and County Lines.

Mr. Speer presented a memorial from C. A. Woodsworth and others, to compel the attendance of James Adkins, a member of the House; which was

Referred to the committee on Elections.

Also, a memorial from Josiah Green and others, praying for the opening of a public road from Lawrence to Oskaloosa.

Referred to the committee on Public Roads.

Mr. Moore presented a memorial from John C. Crumbo and others, praying for a charter of the Little Arkansas Bridge Company.

Referred to the committee on Corporations and Banking.

Mr. Moore introduced Bill No. 133, together with a memorial of J. Marien Alexander, praying for an act entitled "An act to change the name of the city of Lecompton, from the name of "Lecompton" to that of "Redemption City."

Referred to the committee on Vice and Immorality.

Mr. Hatterscheidt introduced Bill No. 134, entitled "An act to locate a Territorial road from Leavenworth to Marysville," which was also accompanied by a memorial, presented by Mr. Keeler.

Mr. Cooper presented a memorial from Wm. R. Heions and others, asking for the location of a public road from Sumner to Topeka; which were

Referred to committee on Public Roads.

Mr. Owens presented a remonstrance from James E. Wallace and others, remonstrating against a change of lines of Jefferson county.

Referred to the committee on Counties and County Lines.

Mr. Owens introduced Bill No. 129, entitled "An act providing for a Territorial road from Leavenworth to Fort Riley."

Referred to the committee on Public Roads.

Reports from Standing Committees being in order,

Mr. McClure, chairman of the committee on Education, to whom was referred House Bill No. 31, entitled "An act to incorporate the Educational Association of the Methodist Episcopal Church," having had the same under consideration, beg leave to report a substitute; which was

Ordered to be printed.

Mr. Zinn, chairman of committee on Vice and Immorality, submitted the following report:

The committee, to whom was referred House Bill No. 79, entitled "An act regulating the sale of Spirituous Liquors," have had the same under consideration, and beg leave to report the same back, with sundry amendments.

Mr. Bassett, chairman of special committee, to whom was referred House Bill No. 19, entitled "An act to establish and charter a ferry across the Missouri river, at Palermo, Territory of Kansas," made the following report:

That the committee have had the same under consideration, and report it back, without recommendation or suggestion.

Mr. Graham introduced Bill No. 137, entitled "An act to incorporate the White Cloud Insurance Company."

Referred to the committee on Corporations and Banking.

Mr. Jameson introduced Bill No. 138, entitled "An act to establish and charter a ferry at the city of Elwood."

Referred to the committee on Public Roads.

Also, Bill No. 139, entitled "An act to incorporate the Palermo and Fort Riley Railroad;"

Also, Bill No. 140, entitled "An act to incorporate the Elwood and Wathena Plank and Macadamized Road Company;" which bills were

Referred to the committee on Corporations and Banking.

Mr. Barry introduced Bill No. 141, entitled "An act regulating the power of Justices of the Peace in cases of assault and battery."

Referred to Committee on Judiciary.

Also, Bill No. 142, entitled "An act to incorporate a Territorial road from Riley city to the Nebraska line;"

Also, Bill No. 143, entitled "An act to incorporate a Territorial road from Kansas Falls to the town of Bacheler," which bills were

Referred to the committee on Public Roads.

Mr. Keller introduced Bill No. 144, entitled "An act to incorporate the town of Pardee;"

Also, Bill No. 145, entitled "An act to incorporate the Pardee Seminary;" which bills were

Referred to the committee on Corporations and Banking.

Mr. Stratton introduced Bill No. 146, entitled "An act in reference to the clerk of the Probate Court of Doniphan county."

Referred to the committee on Judiciary.

Mr. Pennock introduced Bill No. 147, entitled "An act to incorporate the Leavenworth Patent Brick and Stone Manufacturing Company."

Mr. Speer introduced Bill No. 148, entitled "An act to incorporate the Marmaton Town Company;" which bills were

Referred to the committee on Corporations and Banking.

Also, Bill No. 149, entitled "An act to provide for the taking effect of laws;"

Also, Bill No. 150, entitled "An act concerning Indians and Half-Breeds;" which bills were

Referred to the committee on Judiciary.

Mr. Stewart introduced Bill No. 151, entitled "An act to incorporate the Spring Grove Town Company;"

Also, Bill No. 152, entitled "An act to incorporate the Leavenworth and Osage Exchange and Deposit Company."

Mr. Curtis introduced Bill No. 153, entitled "An act to establish a ferry in Jefferson county, opposite the city of Lawrence."

Mr. Miller introduced Bill No. 154, entitled "An act to incorporate the Charlestown Company, in Washington county, Kansas Territory."

All of which bills were

Referred to the committee on Corporations and Banking.

Mr. Moore introduced Bill No. 155, entitled "An act to incorporate Leavenworth City and City of Lawrence Railroad Company."

Referred to the committee on Judiciary, by request.

Mr. Deitzler introduced Bill No. 156, entitled "An act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of a like character;"

Also, Bill No. 157, entitled "An act to legalize the assessment and collection of Taxes in Prairie City, Douglas county;"

Also, Bill No. 158, entitled "An act to create a Board of Supervisors in the counties of the Territory, and define their duties and their powers."

All of which were

Referred to the committee on Judiciary.

Also, Bill No. 159, entitled "An act to suppress houses of Ill Fame."

Referred to the committee on Vice and Immorality.

Mr. Cooper, chairman of the committee on Public Institutions, reported back House Bill No. 117, entitled "An act concerning County Jails."

Message from the Council :—

Mr. Speaker :—I have the honor to inform that Council have passed Council Bill No. 3, entitled "An act to punish offenses against Slave property," asking, respectfully, your favorable consideration thereto.

Also, Council Bill No. 7, entitled "An act repealing an act entitled 'An act to authorize Courts and Judges to admit bail in certain cases,'" asking your favorable consideration thereon.

J. K. GOODIN,
Secretary.

On motion of Mr. Moore,

House Bill No. 26, entitled "An act for the relief of John Bentz," was taken up, and

Read a second time.

On motion of Mr. Moore,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The question now being upon the final passage of the bill, it

Passed, and

The title was adopted.

On motion of Mr. Mitchell,

House Bill No. 67, entitled "An act to provide for the organization of townships and election of township officers, and defining their duties," was taken up, and

Read a second time.

Mr. Speer moved to take up Council Bill No. 8, entitled "An act to organize the charter and government of the city of Lawrence," and that it be referred to the Committee of the Whole.

On motion,

The House resolved itself into a Committee of the Whole for the consideration of the bill.

Mr. Bassett in the chair.

The Committee arose, and, through the chairman, reported back the bill, and recommended its passage.

On motion of Mr. Lockhart,

House Bill No. 28, entitled "An act to locate a road from Gardner to Lawrence," was taken up, and

Read a second time.

On motion of Mr. Hatterscheidt,

House Bill No. 66, entitled "An act to incorporate the Humboldt Town Company," was taken up, and

Read a second time.

Ordered to be engrossed for third reading to-morrow.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Barry in the chair, for the consideration of House Bill No. 67, entitled "An act to provide for the organization of townships and election of township officers, and defining their duties.

The committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

In which the House concurred.

The question being upon the final passage of the bill, it

Passed, and

The title was adopted.

On motion of Mr. Speer,

House Bill No. 41, entitled "An act to provide for delegates to a constitutional convention," be taken up and referred to committee on Apportionment, with instructions to report the number of delegates at 100.

Carried.

Mr. Stratton moved to take up House Bill No. 53, entitled "An act to locate a road from Elwood to Topeka," and make it the special order for two o'clock.

Withdrawn.

On motion of Mr. Moore,

House Bill No. 22, entitled "An act to amend an act entitled 'An act to provide for the investigation of Election Frauds,'" was taken up, and

Passed to a third reading.

The bill was read a third time.

The question being "Shall the bill pass?" was decided in the affirmative.

The title of the bill was agreed to.

On motion of Mr. Hanna,

House Bill No. 46, entitled "An act to authorize the formation of Voluntary Associations," was taken up, and

Passed to a third reading, without commitment.

The bill being read a third time,

The question being "Shall the bill pass?" was decided in the affirmative.

The title of the bill was agreed to.

Mr. Pennock moved to take up House Bill No. 26, entitled

"An act to incorporate the Leavenworth, Lawrence and Southern Stage Company," and that it be read a second time.

Carried.

On motion of Mr. Owens,

House Bill No. 60, entitled "An act to locate and establish a road from Elwood to Topeka," was taken up, and

Read a second time.

On motion of Mr. Stratton,

House Bill No. 33 was taken up, and

Passed to a third reading;

Also, that the bill regulating commitment be suspended, and the bill be put upon its final passage, which was

Withdrawn.

On motion of Mr. Cooper,

The House went into a Committee of the Whole, to consider the bill.

Mr. Appelman in the chair.

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred, and

The bill was put upon its final passage.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Graham moved to take up House Bill No. 11, entitled "An act to incorporate the Highland University Company," and refer it to Committee of Whole.

Carried.

On motion,

The House resolved itself into Committee of the Whole, with

Mr. Pennock in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

The House concurred in the report.

The bill was passed to a third reading.

The bill being read a third time, and put upon its final passage,

The question " Shall the bill pass ?" was decided in the affirmative.

The title of the bill was agreed to.

On motion of Mr. McClure,

House Bill No. 2, entitled " An act to locate and establish a Territorial road from Wyandott to Fort Scott, via Shawnee, Indianapolis, Paris, Moneka and Sugar Mound," was taken up, and

Referred to the Committee of the Whole.

On motion,

The House resolved itself into a committee of the Whole, for the consideration of the bill.

Mr. Owens in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendments, asking the concurrence of the House therein.

The House concurred.

On motion,

The bill was passed to a third reading.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Bassett,

House Bill No. 20, entitled "An act to provide for the repeal of certain laws," was taken up, and

Referred to the Committee of the Whole.

On motion,

The House resolved itself into Committee of the Whole.

Mr. Wheeler in the chair.

The committee arose, and, through the chairman, reported that the committee recommended the reference of the bill to a special committee of five, with instructions to report at a subsequent time.

The House adopted the report.

The Speaker appointed Messrs. Hanna, Bassett, Wheeler, Bennett and Pennock said committee.

Mr. Reynard moved to take up House Bill No. 69, entitled

"An act to incorporate the Wilmington Town Company," and that it be read a second time.

Carried.

Mr. Hanna moved to take up House Bill No. 55, entitled "An act to incorporate the Osawatomie Town Company," and that it be read a second time.

Carried.

On motion of Mr. McClure,

Resolved, That the second reading of all bills be made the special order for to-morrow at ten o'clock.

Carried.

On motion of Mr. Speer,

House Bill No. 68, entitled "An act to amend an act entitled 'An act to incorporate the city of Palermo,' " was taken up.

The rules suspended, and

The bill passed to a third reading.

The bill was read a third time and put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Mitchell, from the committee on Judiciary, reported back House Bill No. 36, entitled "An act to provide for taking a census in certain districts therein specified," with amendments, and recommended the concurrence of the House therein.

The House concurred in the report; whereupon

The bill was read a third time.

The question "Shall the Bill pass?" was decided in the affirmative, and

The title was agreed to.

On motion of Mr. Lockhart,

Resolved, That the public printer be authorized to print, daily, one hundred copies of the regular order of business of each day, for the use of members.

Carried.

Mr. Lockhart, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills have examined House Bill No. 28, entitled "An act to locate a Territorial road from the town of Gardner to the city of Lawrence," and report the same as truly engrossed.

On motion of Mr. Seymour,

House Bill No. 60, entitled "An act to incorporate the Gardner Town Company," was taken up, and

Passed to a third reading.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, January 20, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll was called.

Absentees were Messrs. Adkins, Bennett, Jenkins, McClure and Shannon—5.

Journal was read, corrected and approved.

Mr. McClure offered the following resolution:

Resolved, That the special order of 10 o'clock be postponed until after the morning orders have been disposed of.

Carried.

Reports of standing committees being in order,

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back the following bills:

Council Bill No. 5, entitled "An act to incorporate the Grasshopper Bridge Company;"

Also, House Bill No. 83, entitled "An act to incorporate the Holton Town Company;"

Also, House Bill No. 101, entitled "An act to incorporate the Sabetha Town Company;"

Also, House Bill No. 113, entitled "An act to incorporate the Superior Town Company;"

Also, House Bill No. 148, entitled "An act to incorporate the Marmaton Town Company;"

Also, House Bill No. 104, entitled "An act to incorporate the Osage City Association;"

Also, House Bill No. 116, entitled "An act to incorporate the Clayton Town Association;"

Also, House Bill No. 100, entitled "An act to incorporate the Seneca Town Company;"

Also, House Bill No. 123, entitled "An act to incorporate the Prairie City and Missouri State Line Railroad Company," without amendment;

Also, House Bill No. 147, entitled "An act to incorporate the Leavenworth Patent Brick and Stone Manufacturing Company;"

Also, House Bill No. 144, entitled "An act to incorporate the Minneola Town Company," without amendment;

Also, House Bill No. 151, entitled "An act to incorporate the Springville Town Company," without amendment;

Also, House Bill No. 139, entitled "An act to incorporate the Palermo and Fort Riley Railroad Company," with amendments.

Also, House Bill No. 103, entitled "An act to incorporate the Leavenworth and Fort Gibson Railroad Company," without amendment.

Mr. Jameson, chairman of the committee on Public Roads, reported back the following bills:

House Bill No. 129, entitled "An act providing for a Territorial from Leavenworth City to Fort Riley."

Also, House Bill No. 134, entitled "An act to locate a Territorial road from Leavenworth to Marysville."

Also, House Bill No. 121, entitled "An act to declare a certain road a Territorial road."

Also, House Bill No. 94, "An act to establish a Territorial road from Leavenworth to Fort Riley."

Also, House Bill No. 118, entitled "An act to provide for a Territorial road from Fort Scott to Manhattan."

Also, House Bill No. 143, entitled "An act to locate a Territorial road from Kansas Falls to the town of Batchelor."

Also House Bill No. 119, entitled "An act to locate and establish a Territorial road from Wabaunsee to Wilmington."

Also, a petition from citizens of Sumner and others, praying for the locating and establishing of a road from Sumner, on the Missouri river, to Topeka.

Also, House Bill No. 58, entitled "An act to locate and establish a Territorial road from Wilmington to the mouth of Diamond Spring Creek."

Also, House Bill No. 142, entitled "An act to locate a Territorial road from Riley City to the Nebraska Line."

Also, House Bill No. 124, entitled "An act to establish a Territorial road from Olathe to the crossing of the Wakarusa, at Blue Jacket's."

Also, a petition from Leavenworth City, K. T., praying for a charter of a railroad from Leavenworth to Fort Gibson."

Also, House Bill No. 122, entitled "An act in relation to the Kansas River Bridge Company."

Also, House Bill No. 109, entitled "An act to authorize Ozias Bailey and Cornelius Duland to keep a ferry across the Missouri river at White Cloud, Doniphan county, K. T."

Also, House Bill No. 32, entitled "An act to incorporate a ferry on the Missouri river, at Quindaro."

Also, House Bill No. 117, entitled "An act to establish a Territorial road from the town of Emporia, thence to Ohio City, thence to Indianapolis, thence to Osawatomie."

Also, House Bill No. 138, entitled "An act to establish and charter a ferry at the city of Elwood."

Also, House Bill No. 110, entitled "An act to establish and regulate ferries."

Also, House Bill No. 38, entitled "An act to establish a uniform width for all Territorial roads."

Also, House Bill No. 39, entitled "An act to establish a Territorial road from Indianapolis, via the county seat of Anderson county, to Osage City."

Also, House Bill No. 40, entitled "An act to establish a Territorial road from Indianapolis to Burlington."

Also, House Bill No. 45, entitled "An act to provide for the location of Territorial roads in the Territory of Kansas."

Also, House Bill No. 81, entitled "An act to locate and establish a Territorial road from Lawrence to Ohio City."

Also, House Bill No. 98, entitled "An act to locate and establish a Territorial road from Palermo to Manhattan."

Having had the above bills under consideration, your committee beg leave to report the same back without amendment.

Also, House Bill No. 49, entitled "An act to declare a certain road a Territorial road."

Your committee beg leave to report the same back with an amendment to the title, so as to read: "An act to declare the Lawrence and Emporia road a Territorial road."

Also, House Bill No. 105, entitled "An act to authorize Jacob N. McCall to build a bridge across Independence creek."

Your committee beg leave to report back said bill with an amendment to the title, so as to read thus : "An act to authorize Jacob N. McCall, Egbert M. Lee, and others, to build a bridge across Independence Creek."

Mr. Moore, chairman of Committee on Judiciary, submitted the following report:

I am directed, as chairman of the committee on Judiciary, to report back House Bill No. 156, entitled "An act concerning Indians and half breeds," and recommend that it is inexpedient to legislate on the matter, and that the consideration of the bill be indefinitely postponed.

Also, report back House Bill No. 141, entitled "An act regulating the powers of justices of the peace in cases of assault and battery."

House Bill No. 157, entitled "An act to legalize the assessment and collection of taxes in Prairie City, Douglas county," without amendment.

Also, a memorial from C. O. Woodworth and others, citizens of Atchison county, praying for this House to compel the attendance of James Adkins of Port William, a member elect to this House, and report that, having had the same under consideration, beg leave to report the same back to the House, and recommend that the House direct the sergeant-at-arms to notify the said James Adkins, and request his attendance.

Also, Council Bill No. 3, entitled "An act to repeal an act to punish offenses against slave property."

Also, House Bill No. 149, entitled "An act to provide for the taking effect of laws," and report the same back without amendment.

Also, Council Bill No. 7, entitled "An act repealing an act entitled 'An act to authorize courts and judges to admit bail in certain cases."

Also, House Bill No. 91, entitled "An act to incorporate the Leavenworth City Gas Company."

Also, House Bill No. 59, entitled "An act to incorporate and establish the city of Leavenworth, K. T., and revising and repealing all laws and parts of laws heretofore enacted on that subject," report the same back with sundry amendments, and recommend its passage.

H. MILES MOORE,
Chairman.

Mr. Speer presented the memorial of C. Williams and seventy-six others, and

Mr. Cooper presented the memorial of J. F. Bliss and two hundred and fifty others, asking for the regulation of the running at large of swine.

Referred to the committee on Agriculture and Manufactures.

Mr. Stewart presented a petition for a charter for the Leavenworth and Osage Deposit Company.

Mr. Orr presented a petition from citizens of Easton, asking for the incorporation of the said town, which were

Referred to the committee on Corporations and Banking.

Mr. Seymour introduced a petition from Henry Glover and one hundred and seventeen others, asking for a charter of the Prairie City, Gardner and Missouri State Line Company.

Referred to the committee on Corporations and Banking.

Mr. Cooper, chairman of the select committee, to whom was referred the concurrent resolutions of the Free State Legislature, submitted the following report:

The select committee, to whom was referred the concurrent resolutions of the Free State Legislature, under the Topeka Constitution, would, in accordance with the instructions of the House, respectfully report the following resolution:

Resolved, That we have every confidence in the wisdom, patriotism and prudence of the Free State Legislature; that we believe the movement it represents, originated in a public necessity, and, that it is their province to take such action in their own capacity, as they may think legitimate and proper—they being responsible for their own action, and we not for them. And, as the Territorial Legislature is not, legitimately, in a position to dictate, or concur in their acts, we have only, respectfully to reiterate to them the course of action which we shall pursue, as clearly indicated in the resolution passed by this body, to the effect, that we would proceed to the enactment of an entire code of laws, which shall supersede all laws or pretended laws passed prior to the special session of this present Legislature.

S. S. COOPER.
JOHN SPEER.
W. P. BADGER.
E. N. MORRILL.
H. MILES MOORE.

The report was adopted, and ordered to be spread upon the journal.

Mr. Barry, chairman of the special committee to whom was referred the contested election case, in relation to the county seat of Riley county, submitted the following report:

To the Honorable, the Speaker of the House of Representatives:

The special committee, to whom was referred the contested election of the county seat of Riley county, respectfully report, that they have had the same under consideration, and, that the returns of the election on said county seat, were as follows, to wit: To the town of Ogden, 193; Manhattan, 156; majority for the town of Ogden, 37. It appearing to our satisfaction, from the testimony produced, that 59 illegal votes were returned from the precinct of Ogden, in favor of Ogden, which we have rejected, which leaves a majority of 22 in favor of Manhattan city. Council Bill No. 25, entitled "An act for the permanent location of the county seat of Riley county, at Manhattan city, being referred to themin connection therewith, having considered the same, refer the same back to the House and recommend its passage.

Jan. 19, 1858. ABRAHAM BARRY,
Chairman.

The House ordered a suspension of the rule that Mr. Vaughan, of the Leavenworth *Times*, might be allowed to read a communication to the House.

Mr. Vaughan's communication was read, and ordered to be placed upon the journal of the House.

To the Speaker of the House of Representatives:

On Friday, January 15th, 1858, I was honored by being elected to the office of public printer for your honorable body. It is needless for me to state that this selection was made without any knowledge or exertion on my part. After receiving an official notification of my election, I came to Lawrence for the purpose of here determining whether I should accept the office or no. I have weighed the matter well, consulted all its aspects, and now respectfully tender my resignation. The reasons which have influenced this decision are these:

First. I should be unable, did I accept the office, to do the work thereof, on an independent basis, from the fact that I would be compelled to have it executed at one or the other of the offices at Lawrence.

Second. I do not wish to take any advantage, through Legislative action, of a cotemporary, however we may differ on questions of policy, nor to be the unwilling cause of exciting angry prejudice and animosity in the Free State ranks. I wish it to be distinctly understood, however, that either as a private citizen or public journalist, my voice and influence shall ever be thrown in favor of practical action, and that no dictates of political sentimentalists, immaculate partizans, or abstract theorists, shall prevent me from co-operating with all true Free State men, in political action, who meet boldly any proposition or issue that may be presented affecting our interests, rights or liberties, let the authority from whence it emanated be what it may.

Conceiving my election to have been secured on this principle, and by those who favor this idea, I rejoice at it and think it augurs well for the future policy of the Free State party. I return my warmest thanks to the friends who battled for my success, and cordially grant a free and unlimited reprieve to all who opposed my election.

Some have told me, while here, that if I did not accept the office the Union would be severed; and others, that if I did accept a dissolution of the Union would occur. Such threatening dangers being associated with my name, and animated with that patriotism which is innate to the American heart, I have concluded to waive all personal considerations and, if possible, save the Union by resigning my office.

Respectfully,
CHAMPION VAUGHAN.

Mr. Barber offered the following resolution, which was adopted:

Resolved, That the courtesies of this House be extended to Judge Wakefield, and he be invited to a seat within the bar.

On motion of Mr. Cooper,

Resolved, That the minority report of the select committee, to whom was referred the memorial and resolutions of the Free State Legislature, be published in to-morrow's journal.

Carried.

Mr. Danford introduced Bill No. 164, entitled "An act to incorporate the Mapleton Town Company."

Referred to the committee on Corporations and Banking.

Mr. Zinn introduced Bill No. 165, entitled "An act to incorporate the city of Lecompton."

Referred to committee on Corporations and Banking.

Also, Bill No. 166, entitled "An act to establish a ferry at the town of Douglas."

Referred to the committee on Public Roads.

Also, Bill No. 167, entitled "An act to incorporate the Springfield Town Company."

Referred to Committee on Corporations and Banking.

Also, Bill No. 168, entitled "An act to establish a Territorial road from Lawrence to Riley city."

Referred to the Committee on Public Roads.

Also, Bill No. 179, entitled "An act to incorporate the Liberty Town Association."

Referred to the committee on Corporations and Banking.

Mr. Mitchell introduced Bill No. 170, entitled "An act repealing an act incorporating the Kansas Valley Bank."

Referred to the committee on Corporations and Banking.

Mr. Hanna introduced Bill No. 171, entitled "An act to enable trustees to receive lands and donations, and convey the same, for the use of Schools, Churches, Religious Societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance; and for the construction of Cemeteries, Houses of Worship, and other buildings therein mentioned."

Referred to the committee on Public Institutions.

Also, Bill No. 172, entitled "An act touching the marriage relation, and liabilities incident thereto."

Referred to the committee on Judiciary.

Mr. Jenkins introduced Bill No. 173, entitled "An act to declare the military road from Fort Leavenworth to Fort Laramie a Territorial road."

Referred to the committee on Public Roads.

Mr. McClure introduced Bill No. 174, entitled "An act to restrain the use of intoxicating liquors."

Referred to the committee on Vice and Immorality.

Mr. Appelman introduced Bill No. 175, entitled "An act to protect the rights of married women."

Referred to the committee on Judiciary.

Mr. Lockhart introduced Bill No. 176, entitled "An act to authorize James Tooley to keep a ferry across the Kansas river."

Referred to the committee on Public Roads.

Mr. Badger introduced Bill No. 177, entitled "An act to incorporate the Muscotah Town Company."

Also, Bill No. 178, entitled "An act to incorporate the city of Atchison," which was

Referred to the committee on Corporations and Banking.

Mr. Graham introduced Bill No. 179, entitled "An act to locate and establish a Territorial road. from White Cloud to Palmetto;"

Also, Bill No. 180, entitled "An act declaring a certain road a Territorial road," which were

Referred to the committee on Public Roads.

On motion of Mr. Hatterscheidt,

Resolved, That the sergeant-at-arms be and is hereby instructed to procure, and place on the desk of each member, for the use of the same, one bottle of Gum Arabic solution.

Carried.

On motion of Mr. Appleman,

Resolved, That W. W. Ross be declared public printer for this House, [for] the remaining part of this session.

Message from the Council:

MR. SPEAKER:—I am directed to inform of the passage of Council Bill No. 10, entitled "An act incorporating the De Soto Town Company," asking your favorable action thereon.

Also, the concurrence of the Council on the amendment of House Bill No. 36, entitled "An act to provide for taking a census in certain districts therein specified."

Also, the following concurrent resolution:

Resolved, By the Council, (the House of Representatives concurring,) That the present Legislative Assembly will make the laws of Ohio the basis of the general legislation of this Territory.

J. K. GOODIN,
Secretary.

Mr. Hanna moved to lay the last resolution from the Council on the table.

Lost.

Mr. Speer offered the following amendment, which was adopted: "And that the two Houses will meet at two o'clock this afternoon, to elect three commissioners to prepare a code of practice and pleading."

Mr. McClure moved the previous question.

Carried.

Question being upon the concurrent resolution of the Council, as amended,

Yeas and nays being demanded, the vote stood as follows:

Yeas—Messrs. Barber, Brock, Bassett, Columbia, Danford, Elliott, Graham, Jameson, Lockhart, McClure, Mitchell, Miller, Owens, Reynard, Speer, Seymour, Stewart, Wheeler—18.

Nays—Messrs. Appleman, Barry, Bennett, Badger, Cooper, Hanna, Hatterscheidt, Jenkins, Keller, Moore, Orr, Pennock, Still, Stratton, Zinn—15.

The resolutions were concurred in.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

The following bills were read a second time:

House Bill No. 14, " An act to regulate the disposal of Town Sites;"

House Bill No. 17, "An act granting to Alexander Repine and Frank Paupitz, certain privileges;"

House Bill No. 21, "An act to prohibit the firing of Woods, Prairies and other grounds;"

House Bill No. 23, "An act to incorporate the Kansas Land Company;"

House Bill No. 35, "An act to create an additional office of Constable in each township of each county of the Territory of Kansas;"

House Bill No. 31, "An act to provide for the regulation of the running at large of Swine;"

House Bill No. 43, "An act to declare a certain road a Territorial road;"

House Bill No. 51, "An act securing liens to Mechanics and others;"

House Bill No. 64, "An act to incorporate the Carson Town Company;"

House Bill No. 65, "An act to incorporate the Capaonia Town Company;"

House Bill No. 75; "An act to incorporate the Marble Falls Town Company, in Marshall county;"

House Bill No. 77, "An act to incorporate the Otoe Town Company;"

House Bill No. 80, "An act to incorporate the Brooklyn Town Company;"

House Bill No. 84, "An act to incorporate tho Georgetown Town Company;"

House Bill No. 85, "An act to incorporate the Pleasant Valley Town Company;"

House Bill No. 117, "An act to establish a Territorial road from Emporia, via Ohio City and Indianapolis, to Osawatomie;"

Council Bill No. 3, "An act repealing an act to punish offenses against Slave property;"

House Bill No. 90, "An act to incorporate the Battle Hill Town Association;"

House Bill No. 96, "An act to incorporate the Mound City Town Association;"

House Bill No. 107, "An act in relation to the construction of Statutes;"

Council Bill No. 1, "An act to incorporate the Westphalia Town Company;"

Council Bill No. 2, "An act to incorporate the Big Blue City Association;"

Council Bill No. 6, "An act in relation to the Kansas River Bridge Company;"

Council Bill No. 4, "An act to establish a ferry at or near the junction of the Big and Little Blue rivers, Kansas Territory."

On motion of Mr. McClure,

House Bill No. 114, entitled "An act to incorporate the Minneola Town Company," was taken up and

Read a second time.

On motion of Mr. Hanna,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time.

The question being " Shall the bill pass ?" was decided in the affirmative.

The title agreed to.

Mr. Speer moved to take up Council Bill No. 8, entitled "An act to legalize the charter and city government of the city of Lawrence," and pass to a third reading.

Carried.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

On motion of Mr. Mitchell,

The rules were suspended to allow the committee on Apportionment to make a report.

Mr. Danford, chairman of the committee on Apportionment, reported back House Bill No. 41, entitled "An act to provide for the election of delegates to a Convention to frame a State Constitution," with sundry amendments.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole.

Mr. Cooper in the chair.

The committee arose, and, through the chairman, reported that the committee had considered House Bill No. 41, reported progress, and asked leave to sit again; which was granted.

Mr. McClure moved to take up House No. 4, entitled "An act declaring certain roads to be Territorial roads," and that the rules be suspended, and the bill passed to a third reading.

Carried.

The bill was read a third time.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Cooper moved to take up House Bill No. 111, entitled "An act in relation to County Jails," and that it be read a second time.

Carried.

Mr. Cooper moved to take up House Bill No. 110, entitled "An act to establish and regulate Ferries," and that it be read a second time.

Carried.

Mr. Bassett moved to take House Bill No. 114, entitled "An act to incorporate the Minneola Town Company," suspend Rule 49, consider the bill engrossed, and pass to a third reading.

Carried.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, January 21, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absentees were Messrs. Adkins, Bassett, Stewart and Shannon —4.

Presentation of petitions and memorials being in order,

Mr. Bassett presented the petition of Matthew Brown and 95 others, praying for a road from Atchison to Fort Riley.

Mr. Bassett presented the petition of George Cook and 110 others, praying for a road from Leavenworth to New Brighton, which was

Referred to the committee on Public Roads.

Mr. Curtis presented the memorial of Harriet Doff and others, praying for divorce.

Referred to the committee on Judiciary.

Mr. Moore presented a petition from H. J. Adams and other commissioners to investigate election frauds, praying for the passage of an act supplemental to an act to provide for the investigation of election frauds.

Referred to Committee on Judiciary.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back the following bills:

Council Bill No. 10, entitled "An act to incorporate the De Soto Town Company;"

Also, Council Bill No. 1, entitled "An act to incorporate the Westopolis Town Company;"

Also, Council Bill No. 6, entitled "An act in relation to the Kansas River Bridge Company;"

Also, Council Bill No. 2, entitled "An act to incorporate the Big Blue City Association;"

House Bill No. 169, entitled "An act to incorporate the Liberty Town Association;"

Also, House Bill No. 177, entitled "An act to incorporate the Muscotah Town Company;"

Also, House Bill No. 170, entitled "An act repealing an act incorporating the Kansas Valley Bank;"

Also, House Bill No. 164, entitled "An act to incorporate the Mapleton Town Association;" and begs leave to report the above bills back without amendment.

Also, House Bill No. 99, entitled "An act to incorporate the Cherokee Mining Company."

Also, House Bill No. 167, entitled "An act to incorporate the Springfield Town Association," with amendments.

Mr. Moore, chairman of the committee on Judiciary, reported back the following bills:

House Bill No. 158, entitled "An act to create a board of supervisors in the counties of the Territory, and to define their duties."

I am directed by the committee to report the above bill back to the House, and recommend that it lay on the table until a general law can be passed.

On motion of Mr. McClure,

The bill was referred to the committee on Counties and County Lines.

Also, House Bill No. 156, entitled "An act to prohibit lotteries, raffles and gift enterprises, and other schemes of a like character."

The committee report the indefinite postponement of the bill.

On motion of Mr. Elliott,

The bill was recommitted.

Also, House Bill No. 175, and recommend the following amendments, to wit: Strike out "section second;" in section fifth, sixth line, change the word "half" to "third;" section sixth, second line, word "half" change to "two-thirds;" fourth line, word "half" change to "two-thirds."

Also, House Bill No. 146, entitled "An act in reference to the clerk of the Probate Court in Doniphan county," report back the same, and recommend that it lay on the table until a general law can be passed;

Also, House Bill No. 155, entitled "An act to incorporate the Leavenworth City and city of Lawrence Railroad Company;

Also, House Bill No. 120, entitled "An act repealing certain acts, and establishing the temporary seat of government of Kansas Territory at the city of Lawrence."

Also, House Bill No. 17, entitled "An act granting Alexander Repine and Frank Paupitz, and their associates and assigns, certain privileges," report the above bills back without amendment.

Also, House Bill No. 175, entitled "An act to protect the rights of married women," report the same back with amendments.

Mr. Delong, chairman of the committee on Agriculture and Manufactures, reported back House Bill No. 111, entitled "An act to regulate the tolls of ~~grist-mills~~, and prescribing the duties of millers," beg leave to report the same back without amendment.

Mr. Cooper, chairman of committee on Public Institutions, reported back House Bill No. 171, entitled "An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned," without amendment.

Mr. Barry introduced Bill No. 185, entitled "An act to incorporate the Batcheler Town Association;"

Also, Bill No. 186, "An act to incorporate the Dayton Town Company;"

Also Bill No. 187, entitled "An act to incorporate the Salem Town Company;"

Also, Bill No. 188, entitled "An act to incorporate the Fremont Town Company;"

And Bill No. 189, entitled "An act to incorporate the Eldridge Town Company," all of which were

Referred to the committee on Corporations and Banking.

Mr. Hanna introduced Bill 190, entitled "An act to locate a Territorial road from Osawatomie to Harrisonville."

Referred to committee on Public Roads.

Also, Bill 191, entitled "An act to incorporate the Sanfoxia Town Association."

Mr. Jenkins introduced Bill No. 192, entitled "An act to incorporate the Otsego Town Association."

Also, Bill No. 193, entitled "An act to incorporate the Unadilla Town Company;"

Also, Bill, No. 194, entitled "An act to incorporate the Ghent Town Company;"

Also, Bill No. 195, entitled "An act to incorporate the Magnolia Town Company;"

Also, Bill 196, entitled "An act to incorporate the Kent Town Association;"

Also, Bill No. 197, entitled "An act to incorporate the Gillead Town Association."

Mr. Barry introduced Bill No. 198, entitled "An act to incorporate the Pawnee Town Association," all of which were

Referred to the committee on Corporations and Banking.

Mr. Owens introduced Bill No. 199, entitled "An act to locate and establish a Territorial road from Lawrence to a point on the Nebraska line, near Nebraska Falls."

Referred to the committee on Public Roads.

Mr. Stewart introduced Bill No. 200, entitled "An act to incorporate the Chelsea Town Company."

Referred to the committee on Corporations and Banking.

Mr. Morrill introduced Bill No. 201, entitled "An act to establish a Territorial road from Leavenworth City to Hamlin, Brown county."

Mr Lockhart introduced Bill No. 202, entitled "An act to establish a Territorial road from Shawnee to Leavenworth," all of which were

Referred to the committee on Public Roads.

Message from the Acting Governor to the Speaker of the House of Representatives:

Sir:—I have this day approved "An act entitled 'An act to provide for taking the census in certain districts therein specified.'"

J. W. DENVER,
Acting Governor.

To the Honorable the Legislative Assembly of the Territory of Kansas:

The seventh section of the fifth article of an act entitled "An act to establish the treasury department, and to define the powers and duties of treasurer and auditor," provides that, on or before the first of September, preceding the regular session of the General Assembly, the secretary of the Territory shall select and notify one member elected to the Council, and two members elected to the House of Representatives, to attend at the seat of government six days before the commencement of the session, for the purpose of settling with the auditor and treasurer." As the members of the present Legislative Assembly were not elected until the month of October last, it was not possible for my predecessor to comply with these requirements, and, consequently, nothing has been done in the premises. But the investigation ought to be made, and, therefore, I appoint, for that purpose, Mr. Mead, of the Council, and Mr. Speer and Mr. Bennett, of the House, who will proceed as soon as possible to discharge the duties required by the act referred to.

J. W. DENVER,
Secretary of Kansas Territory.

On motion of Mr. Hanna,

Resolved, That the courtesies of the House be extended to the Hon. Charles Foster, and he be invited to a seat within the bar.

Carried.

Message from the Council:

Mr. Speaker:—I have the honor to inform of the passage of Council Bill No. 30. entitled "An act to incorporate the Carthage Town Company;"

Council Bill No. 36, entitled "An act to incorporate the Eldorado Town Company;"

Council Bill No. 35, entitled "An act to incorporate the Fall River Town Association;"

Council Bill No. 26, entitled "An act to incorporate the Pleasant Grove Town Association;"

Council Bill No. 38, entitled "An act to establish a ferry across the Missouri river, at Wyandott;"

Council Bill No. 18, entitled "An act authorizing the building of a toll bridge across Independence creek, in Kansas Territory;"

Council Bill No. 19, entitled "An act to incorporate the Sumner Town Company;" asking respectfully your favorable consideration thereon.

J. K. GOODIN,
Secretary.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, to resume the consideration of House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a constitution, and to provide for a State government."

Mr. Morrill in the chair.

The Committee arose, and, through the chairman, reported back the bill, with amendments, and recommend it to be referred to a select committee of five, with instructions to report at three o'clock this afternoon.

The report was adopted, and

The Speaker appointed as said committee Messrs. Speer, Danford, Curtis, Barry and Wheeler.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the Chair.

On motion of Mr. Danford,

Resolved, That the courtesies of the House be extended to the Hon E. L. Taylor, and he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Stratton,

Resolved, That the Chief Clerk of this House be authorized to employ a second assistant clerk.

Carried.

On motion of Mr. Bassett,

Resolved, That a committee of five be appointed to distribute the different subjects of legislation to the appropriate committees.

Carried.

The chair appointed the following the members of said committee:

Messrs. Bassett, Lockhart, Morrill, Cooper and Appelman.

On motion of Mr. Moore,

House Bill No. 23, entitled "An act to incorporate the Kansas Land Company," was taken up, and

Referred to the Committee of the Whole.

On motion,

The House resolved itself into a committee of the Whole, for the consideration of the bill.

Mr. Curtis in the chair.

The committee arose, and, through the chairman, reported back the bill, and recommended its rejection.

The report of the committee was adopted, and the bill rejected.

Mr. Hatterscheidt moved to take up House Bill No. 66, entitled "An act to incorporate the Humboldt Town Company," and that it be referred to Committee of the Whole.

Carried.

The House resolved itself into Committee of the Whole.

Mr. Pennock in the chair.

The committee arose, and, through the chairman, reported progress, and asked leaved to sit again,

Which was granted.

On motion of Mr. Elliott,

Council Bill No. 10, entitled "An act to incorporate the De Soto Town Company," was taken up, and

Referred to the Committee of the Whole.

On motion,

The House resolved itself into Committee of the Whole.

Mr. Stratton in the chair.

The committee arose, and, through the chairman, reported back Council Bill No. 10 and recommend its passage.

The bill was read a second time, and

Ordered to be engrossed.

On motion of Mr. Stratton,

The rules were suspended.

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

Mr. Speer, chairman of the special committee, to whom was referred House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State constitution," reported the same back with amendments.

On motion of Mr. Elliott,

The bill was passed to a third reading.

Mr. Graham moved to recommit the bill to Committee of the Whole for the consideration of the same.

Lost.

On motion of Mr. Hanna,

The bill was recommitted to the Committee of the Whole for the special purpose of amending section six.

On motion,

The House went into Committee of the Whole.

Mr. Morrill in the chair.

The committee arose, and, through the chairman, reported back the bill with the following amendment:

In section six, after the word "Representative," in the fifth line, insert "and in case there be no such officer or sheriff, then the said returns to be made by the judges themselves, in the manner provided for said sheriff," which was

Agreed to.

The question being upon the final passage of the bill,

The ayes and noes were demanded, with the following result:

Ayes—Messrs. Appelman, Barber, Barry, Badger, Bassett, Curtis, Columbia, Cooper, Danford, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—30.

Noes—Mr. Bennett—1.

Mr. Owens moved to take up House Bill No. 60, entitled "An act to incorporate the Lecompton Ferry," and refer it to Committee of the Whole.

Carried.

On motion,

The House resolved itself into Committee of the Whole.

Mr. Lockhart in the chair.

The committee arose, and through the chairman, reported back the bill, and recommended the passage, as reported from the committee.

The bill was read a third time.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Hanna introduced Bill No. 23, entitled "An act to incorporate the Chester Town Company;"

Also, Bill No. 204, entitled "An act to incorporate the Kaskaskia Town Company," which were

Referred to the committee on Corporations and Banking.

The Speaker announced that the chief clerk had appointed Horace Tucker second assistant clerk, for the remainder of the session.

He took the oath of office and entered upon the discharge of his duties.

Mr. Moore moved to take up House Bill No. 18, entitled "An act to incorporate a Ferry at the town of De Soto, across the Kansas river," and that he be permitted to place a substitute for said act in the hands of the committee on Corporations and Banking, and that they be instructed to report the same in the place of the original bill; which was

Carried.

Mr. Mitchell introduced Bill No. 205, entitled "An act supplementary to an act providing for the investigation of Election Frauds," passed January 13th, 1858.

Referred to the committee on Judiciary.

Reported back, and passage recommended.

On motion,

Rule 49 was suspended, and

The bill read a second time.

On motion of Mr. Moore,

The rules were suspended,

The bill considered engrossed, and

Passed to the third reading.

The bill was read a third time.

The question " Shall the Bill pass?" was decided in the affirmative, and

The title adopted.

Journal was corrected and approved.

Mr. Cooper introduced Bill No. 206, entitled "An act to establish a Territorial road from Grasshopper Falls to Lecompton," which was

Referred to the Committee on Public Roads.

On motion,

Adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

FRIDAY, January 22, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absentees were Messrs. Adkins, Bennett and Shannon.

Petitions and memorials being in order,

Mr. Delong presented a memorial from R. Stees and others, praying for a Territorial road from Lawrence via Big Springs to Ashland.

Referred to the committee on Public Roads.

Mr. Mitchell presented a memorial from T. L. Foster and others, praying for the removal of the county seat of Johnson county.

Referred to the committee on Counties and County Lines.

On motion of Mr. Keller,

Resolved, That the courtesies of the House be extended to Messrs. Mitchell, White, Repine, Reisenger and Judge Schuyler, and that they invited to seats within the bar of the House.

Carried.

On motion of Mr. Jameson,

Resolved, That the courtesies of the House be extended to Hon. Daniel McFarland, and that he be invited to a seat within the bar.

Carried.

Reports from Standing Committees being in order, Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back to the House the following bills:

House Bill No. 193, entitled "An act to incorporate the Unadilla Town Company," without amendment.

Also, House Bill No. 154, entitled "An act to incorporate the Charlestown Town Company, in Washington county, Kansas Territory," with amendments.

Also, House Bill No. 108, entitled "An act to incorporate the White Cloud City Company," with amendments.

Also, House Bill No. 192, entitled "An act to incorporate the Otsego Town Company," without amendment.

Mr. Jameson, chairman of the committee on Public Roads, made the following report:

Your committee, having had under consideration the following bills, beg leave to report back to the House, House Bill No. 168, entitled "An act to establish a Territorial road from Lawrence to Riley City."

Also, Bill No. 202, entitled "An act to locate and establish a Territorial road from Lawrence to Leavenworth."

Also, House Bill No. 206, entitled "An act to establish a Territorial road from Sumner to Grasshopper Falls."

Also, House Bill No. 175, entitled "An act to authorize James Tooley to keep a Ferry across the Kansas river."

Also, House Bill No. 166, entitled "An act to establish a ferry at the town of Douglas," with amendments; and recommend their passage.

Your committee have, also, had under consideration House Bill No. 179, entitled "An act to locate and establish a Territorial road from White Cloud to Palmetto."

Also, House Bill No. 199, entitled "An act to locate and establish a Territorial road from Lawrence to a point on the Nebraska line, near Nemaha Falls."

Also, House Bill No. 180, entitled "An act declaring a certain road a Territorial Road."

Also, House Bill No. 190, entitled "An act to locate a Territorial road from Osawatomie to Harrisonville."

Also, House Bill No. 201, entitled "An act to establish a Territorial road from Leavenworth city to Hamlin, in Brown county," without amendment; and recommend their passage.

Also, Council Bill No. 4, entitled "An act establishing a ferry at or near the junction of the Big and Little Blue rivers, Kansas Territory," without amendment.

Also, the petition of Nathan Brown and others, praying for a road from Atchison to Fort Riley."

Also, the petition of George Cook and one hundred and ten others, praying for a road from Leavenworth to New Brighton;" and recommend granting the prayer of the petitioners.

Mr. Hanna gave notice that he would, on a subsequent day, introduced a bill to charter the Kansas City, Osawatomie and Neosho Valley Railroad Company."

Mr. Curtis gave notice that he would, on a subsequent day, introduce a bill prohibiting persons from bringing into the Territory any cattle known to be afflicted with any contagious disease."

Mr. Curtis introduced Bill No. 209, entitled "An act to incorporate the Canema Town Company."

Mr. Wheeler introduced Bill No. 210, entitled "An act to incorporate the Kickapoo Association."

Mr. Appelman introduced Bill No. 211, entitled "An act to incorporate the Marmaton Town Company."

Mr. Zinn introduced Bill No. 112, entitled "An act to incorporato the Kansas Center Town Company."

Mr. Brock introduced Bill No. 213, entitled "An act to incorporate the Columbus City Association."

Mr. Brock was excused from further attendance to-day, on account of sickness.

Mr. Morrill introduced Bill No. 214, entitled "An act to incorporate the Kennekuk Town Association."

Mr. McClure introduced Bill No. 215, entitled "An act to incorporate the Wyandott and Fort Riley Railroad Company."

Mr. Orr introduced Bill No. 216, entitled "An act to incorporate the Eastern Bridge Company."

Mr. Barber introduced Bill No. 217, entitled "An act to incorporate the town of Bloomington."

Mr. Graham introduced Bill No. 218, entitled "An act to incorporate the White Cloud, Manhattan and Fort Riley Railroad Company."

All of which were referred to committee on Corporations and Banking.

Mr. Owens introduced Bill No. 220, entitled "An act to locate a Territorial road from Lawrence to Iowa Point."

Mr. Cooper introduced Bill No. 221, entitled "An act to locate a Territorial road from Grasshopper Falls to the city of Lecompton;" which were

Referred to Committee on Public Roads.

Mr. Hanna introduced Bill No. 222, entitled "An act to incorporate the Dacotah City Town Company."

Referred to the committee on Corporations and Banking.

Mr. Cooper introduced Bill No. 223, entitled "An act concerning the destruction of wolves."

Referred to committee on Agriculture.

A communication was received and read from H. J. Strickler, comptroller, which was

On motion of Mr. Stratton,

Referred to the committee on Ways and Means.

Mr. Hanna presented a memorial from citizens of Wyandott, remonstrating against the granting of a ferry privilege at that place.

On motion of Mr. Lockhart,

House Bill No. 25, entitled "An act to incorporate the Cambridge Town Company," was taken up.

Rule 49 suspended and

The bill read a second time.

Mr. Hanna moved to take up House Bill No. 38, entitled "An act establishing a uniform width for all Territorial roads," suspend rule 49, and read the bill a second time.

Carried.

On motion of Mr. Hanna,

House Bill No. 39, entitled "An act to establish a Territorial road from Indianapolis, via the county seat of Anderson county, to Osage City, Allen county," was taken up,

Rule 49 suspended and

The bill read a second time.

On motion of Mr. McClure,

Council Bill No. 38, entitled "An act to establish a ferry across the Missouri river at Wyandott," was taken up.

Rule 49 suspended and

Read a second time.

Mr. Hanna moved to take up House Bill No. 40, entitled "An act to establish a Territorial road from Indianapolis to Burlington," suspend rule 49, and read the bill a second time.

Carried.

On motion of Mr. Moore,

House Bill No. 44, entitled "An act to incorporate the Dayton Town Company," was taken up and

Referred to the Committee of the Whole.

On motion,

The House went into Committee of the Whole, for the consideration of the bill.

Mr. Hanna in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House therein.

The House concurred, and

The bill was read a third time.

On motion of Mr. Moore,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time.

Question being "Shall the bill pass?" it was decided in the affirmative, and

The title adopted.

On motion of Mr. Cooper,

Resolved, That the public printer be specially instructed that, if he cannot do the printing promptly, he obtain the assistance of other printing offices, as the business of the session is seriously embarrassed on account of such delay, and that the clerk inform said printer of the passage of this resolution.

Carried.

Mr. Pennock moved to take up House Bill No. 147, suspend rule 49, and the bill be read a second time.

Carried.

On motion of Mr. McClure,

Council Bill No. 38 was taken up,

Rules suspended and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

Mr. Morrill moved to take up Council Bill No. 25, entitled "An act locating, permanently, the county seat of Riley county," suspend the rules, and the bill passed to a third reading.

Carried.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Reynard,

House Bill No. 69, entitled "An act to incorporate the Wilmington Town Company," was taken up,

Rules suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion by Mr. Keller,

Resolved, That D. Fackler be admitted to a seat within the bar of this House.

Carried.

On motion of Mr. Morrill,

House Bill No. 64, entitled "An act to incorporate the Carson Town Company," was taken up,

The rules suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Wheeler,

Resolved, That, on and after Saturday, the 23d inst., the regular hours for the meeting of this House shall be 2 o'clock and 7 o'clock P. M., and that all bills of a local character be made the special order of evening sessions, provided that they may be introduced in the regular order of business.

On motion of Mr. Appelman,

House Bill No. 37, entitled "An act to provide for the regulation of the running at large of swine," was taken up and

Referred to the Committee of the Whole.

On motion,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Cooper in the chair.

The committee arose, and, through the chairman, reported a substitute for the bill and recommended its passage.

On motion of Mr. Cooper,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

Mr. McClure moved to lay on the table and the bill be printed. Carried.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Cooper,

House Bill No. 112, entitled "An act in relation to county jails," was taken up, and

On motion by Mr. Cooper,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Danford in the chair.

The committee arose, and, through the chairman, reported back the bill with amendments and asked the concurrence of the House.

The House concurred in the report of the committee.

Mr. Cooper moved to suspend the rules and the bill be passed to a third reading.

Carried.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Stratton,

House Bill No. 80, entitled "An act to incorporate the Brooklyn Town Company," was taken up and

Referred to the committee of the Whole.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole.

Mr. Graham in the chair.

The committee arose, and, through the chairman reported back the bill with amendments, and asked the concurrence of the House.

The House concurred.

The bill was read a third time and put upon its final passage.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 55, entitled "An act to incorporate the Osawatomie Town Company."

Mr. Elliott in the chair.

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House therein.

The House concurred in the report.

Question being "Shall the bill pass?" was decided in the affirmative.

The title agreed to.

Mr. Cooper moved to refer House Bill No. 50, entitled "An act to establish a Territorial road from Leavenworth to Grasshopper Falls," to the Committee of the Whole.

Carried.

On motion of Mr. Mitchell,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. McClure in the chair.

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred in the report.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. McClure,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 106, entitled "An act relating to the construction of statutes."

Mr. Appelman in the chair.

The Committee arose, and, through the chairman, reported back the bill with amendments, and ask the concurrence of the House.

The House concurred in the report.

The bill was read a second time.

The rules were suspended.

The bill considered engrossed, and

Read a third time.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

The journal of yesterday was read and approved.

Mr. Mitchell, chairman of the committee to whom was referred the memorial of Archibald Elliott, contesting the seat of W. P. Badger, the sitting member from Atchison county, submitted the majority report, which was read.

Mr. Speer submitted a minority report, with an act providing for an election in Atchison county, which was read.

On motion of Mr. Cooper,

The reports of the committee were made the special order for seven o'clock P. M.

Mr. Bassett, chairman of the special committee to whom was referred the distribution of the different subjects of legislation, to their appropriate committees, submitted a report, which report, after being read, was ordered not to be spread upon the journal.

On motion,

Adjourned until seven o'clock this evening.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council:

Mr. Speaker:—I have the honor to inform that the Council have passed Council Bill No. 88, entitled "An act supplemental to an act entitled 'An act to incorporate the city of Topeka.'"

On motion of Mr. Stratton,

The rules were suspended, and

The bill read a second time.

On motion,

The bill was considered engrossed.

The rules suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was adopted.

On motion of Mr. Elliott,

Resolved, That the courtesies of the House be most cordially extended to Liganus S. Bacon, L. L. D., of the firm of Bacon, Cook & Co., and that the sergeant-at-arms be instructed to furnish a seat within the bar of the House.

Carried.

On motion of Mr. Keller,

Resolved, That the courtesies of the House be extended to Messrs. J. P. Keller, Thomas Quinn and Knight, and that they be invited to seats within the bar of the House.

Carried.

Message from the Governor:

To the Speaker of the House of Representatives:

SIR: I have this day approved an act entitled "An act supplemental to an act entitled 'An act to provide for the investigation of election frauds.'"

J. W. DENVER,
Acting Governor.

On motion of Mr. Elliott,

The House resolved itself into Committee of the Whole, Mr. Cooper in the chair, for the consideration of the majority and minority reports of the committee on Elections.

The Committee arose, and, through the chairman, reported back to the House, the majority and minority reports of the committee on Elections.

On motion,

The reports were referred to a select committee of five, with instructions to report on Monday, February 1st, 1858.

The Speaker appointed the following members said committee:

Messrs. Bennett, (chairman,) Elliott, Curtis, Appelman, Seymour.

On motion,

Adjourned until nine o'clock to-morrow.

G. W. DEITZLER,
Speaker of the House of Representatives.

SATURDAY, January 23, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees were Messrs. Adkins, Appelman, Barber, Badger, Curtis, Elliott, Graham, Keller, Morrill, Owens, Seymour, Shannon, Zinn—13.

Messrs. Barber, Keller, Owens and Hatterscheidt, asked leave of absence, which was granted.

The Journal was read, corrected and approved.

Petitions and memorials being in order,

Mr. Stewart presented a petition praying a charter for the Leavenworth and Osage City Exchange Company."

On motion, by Mr. Pennock,

Resolved, That the committee on Judiciary be instructed to report a bill providing that, in cases of appeal from the judgment of any justice of the peace, where the probate judge is a party in interest, that the appellant may have the right of appeal to the probate court of the adjoining county.

Carried.

Mr. Lockhart gave notice that he would, on a subsequent day, introduce a bill regulating the rate of interest in the Territory of Kansas.

Mr. Barry introduced Bill No. 225, entitled "An act for the selection of Jurors and the empannelling of Jurors in the Probate Court."

Mr. Moore introduced Bill No. 235, entitled "An act concerning the citizenship of the Shawnee Indians."

Mr. Lockhart introduced Bill No. 237, entitled "An act repealing an act entitled 'An act relative to fugitives from other Territories or States.' "

All of which were

Referred to the committee on Judiciary.

Mr. Delong introduced Bill No. 226, entitled "An act to incorporate the Tamaqua Town Company "

Mr. Bassett introduced Bill No. 227, entitled "An act to establish a ferry across the Kansas river."

Mr. Graham introduced Bill No. 231, entitled "An act incorporating the Columbus City Seminary."

Mr. Morrill introduced Bill No. 236, "An act entitled 'An act to incorporate the Hamlin City Association.' "

All of which were

Referred to the committee on Corporations and Banking.

Mr. Bassett introduced Bill No. 230, entitled "An act repealing an act to charter the city of Lawrence."

Referred to Committee on Corporations and Banking.

Also, Bill No. 228, entitled "An act to establish a Territorial road from Atchison to Fort Riley via New Brighton."

Also, Bill No. 229, entitled "An act to establish a Territorial road from Leavenworth to New Brighton."

Mr. Graham introduced Bill No. 232, entitled "An act to establish a Territorial road from Iowa Point to Atchison."

Referred to the committee on Corporations and Banking.

Mr. Stewart introduced Bill No. 233, entitled "An act to suppress Gaming."

Referred to the committee on Vice and Immorality.

Mr. Moore introduced Bill No. 234, entitled "An act relative to the County Commissioners of the several counties forwarding returns and surveys of roads to the Secretary's office, and for other purposes."

Referred to the committee on Counties and County Lines.

On motion of Mr. Barry,

The rules were suspended, and

House Bill No. 7, entitled "An act to establish a ferry on the Big Blue river, in Marshall county," was taken up, and

Passed to a third reading.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative.

The title was agreed to.

On motion of Mr. Lockhart,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 28, entitled "An act to locate a Territorial road from Gardner to the city of Lawrence."

Mr. Stewart in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendments.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

On motion of Mr. Hanna,

The rules were suspended, and

House Bill No. 54, entitled "An act to locate and establish a road from Lawrence to Osawatomie via Blanton's Bridge, Prairie City, Peoria City, Stanton and Indianapolis," was taken up, and

Read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative.

The title of the bill was agreed to.

On motion of Mr. Jameson,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 14, entitled "An act to regulate the entry and disposal of Town Sites."

Mr. Mitchell in the chair.

The committee arose, and, through the chairman, reported back the bill, and recommended it to be referred to the committee on Judiciary.

The bill was so referred.

On motion,

The House adjourned until Monday at 2 o'clock P. M.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, January 25, 1858.
TWO O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Adkins, Badger, Hatterscheidt, Keller, Still, Shannon, Stratton and Wheeler.

Messrs. Hatterscheidt, Keller and Wheeler being absent on leave.

On motion of Mr. Curtis,

Mr. Bennett was excused from serving on special committee on contested seat of W. P. Badger.

The chair appointed Mr. Danford in his stead.

Journal read, corrected and approved.

Mr. Seymour presented the petition of Clark L. Dilley, and others, asking for the passage of the Ohio city, Gardner and Missouri State line railroad bill;

And, also the petition of R. D. McCamish, and eight others, to extend the lines of Johnson county west and south.

Mr. Hanna introduced concurrent resolutions, which were read and adopted, as follows:

WHEREAS, By the thirty-fourth section of an Act of the Congress of the United States, entitled "An Act to organize the Territories of Kansas and Nebraska," it is provided, that when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbers sixteen and thirty-six, in each township, in said Territory, shall be, and the same are hereby reserved, for the purpose of being applied to schools in said Territories, hereafter to be created out of the same; and

WHEREAS, A large portion of the people of Kansas are deprived of the benefit resulting from the wise and liberal provisions of said section, by reason of the fact that immense tracts of land have been sold, within said Territory, as Indian trust lands, to which said section does not apply; and large bodies of lands, selected and held by Indians, and by virtue of treaties heretofore made with the General Government; and,

WHEREAS, In many instances the early settlers, and claimants upon the public domain within said Territory, after the surveys were made, were found to be upon the school lands, and, under the law of the United States, in such case made and provided, were entitled to pre-empt the same; and,

WHEREAS, By reason of the facts aforesaid, the true intent of said thirty-fourth section of said Act, will be, in a great measure, defeated in this Territory, and, thereby, the people thereof deprived of the blessings resulting from such reservation [of land] for school purposes. Therefore,

Be it Resolved, By the Legislative Assembly of the Territory of Kansas, the Council concurring, as follows: That our Representative in Congress be hereby respectfully instructed to prepare and present, at an early day, to the Congress of the United States, a bill providing for a grant of land, for school purposes, to the Territory of Kansas and to the State which may be hereafter erected out of the same, of sufficient amount, in the aggregate, to equal the section in each and every township within said Territory.

Second. That in view to secure a selection of land of equal value of those sold at trust sales, taken and held by Indians or pre-empted by actual setters, a commission, of three persons, be appointed by the Congress of the United States, residents of the Territory of Kansas, whose duty it shall be to make said selection of land so set apart and appropriated by Congress, which, when so done, shall report to the several land offices within said Territory, shall be withdrawn from market, and hereafter solely applied to the purposes of education.

Third. That our representative in Congress be respectfully requested to provide, in said bill, for the commission aforesaid, and to urge the appropriation aforesaid as an act of manifest justice to the people of this Territory.

Fourth. That the Governor of this Territory be hereby respectfully requested to send certified copies of these resolutions to the presiding officers of both Houses of Congress, to be by them presented to their respective Houses, as also a copy to our representative in Congress.

On motion of Mr. Cooper,

Resolved, That the courtesies of the House be extended to Col. Smith, of Missouri; P. T. Colby, M. B. Newman, Alfred Gray and Alfred Robinson and that they be invited to seats within the bar.

Carried.

Mr. Mitchell introduced the following:

Resolved, By the House of Representatives (the Council concurring) That Wm. Stevens, M. F. Conway and John M. Coe be and are hereby elected commissioners to draf and submit a code of civil procedure. to the present session of the Legislative Assembly, at as early a day as practicable.

Carried.

Reports of standing committees being in order,

Mr. Mitchell, chairman of the committee on Corporations and Banking reported back the following bills, without amendment:

House Bill No. 219, entitled "An act to incorporate the White Cloud, Manhattan and Fort Riley Railroad Company."

Also, an act entitled "An act to incorporate the Columbus City Seminary."

House Bill No. 200, entitled "An act to incorporate the Chelsea Town Company."

House Bill No. 212, entitled "An act to incorporate the Kansas Centre Town Company."

House Bill No. 226, entitled "An act to incorporate the Tamoqua Town Company."

House Bill No. 210, entitled "An act to incorporate the Kickapoo Association."

Council Bill No. 36, entitled "An act to incorporate the Eldorado Town Company."

Council Bill No. 36, entitled "An act to incorporate the Fall River Town Company."

House Bill No. 178, entitled "An act to incorporate the city of Atchison."

Also, the following bills, with sundry amendments:

House Bill No. 236, entitled "An act to incorporate the Hamlin City Town Company;"

House Bill No. 216, entitled "An act to incorporate the Easton Bridge Company;"

House Bill No. 165, entitled "An act to incorporate the city of Lecompton;"

House Bill No. 214, entitled "An act to incorporate the Kennekuk Town Company;"

Also, House Bill No. 137, entitled "An act to incorporate the White Cloud Insurance Company," and recommend its indefinite postponement.

On motion of Mr. Moore,

The report of the committee was adopted.

On motion of Mr. Graham,

The vote adopting the report, was reconsidered.

Mr. Graham moved to recommit the report and the bill to the committee on Corporations and Banking.

Carried.

The committee also reported House Bill No. 218,entitled "An act to incorporate the White Cloud Banking Company," and recommended its indefinite postponement.

Adopted.

Also, House Bill No. 152, entitled "An act to incorporate the Leavenworth and Osage Exchange and Deposit Company," and recommend its indefinite postponement.

On motion of Mr. Stewart,

The bill was referred to a select committee of three.

The Speaker appointed Messrs. Stewart, Cooper and Delong, said committee.

Mr. Moore, chairman of committee on Judiciary, reported back, without amendment, House Bill No. 225, entitled "An act for the selection of jurors and the empannelling of juries in the probate court."

Also, the memorial of Harriet Doff and others, praying for a divorce, and recommend its indefinite postponement.

Adopted.

Also, House Bill No. 136, entitled "An act to prohibit lotteries, raffles, gift enterprises, and other schemes of like character," and recommend its reference to committee on Engrossed Bills.

Report adopted.

Also, House Bill No. 235, entitled "An act concerning the citizenship of the Shawnee Indians," without amendment.

On motion of Mr. Speer,

The bill was referred to a select committee of three.

The Speaker appointed Messrs. Speer, Hanna and Lockhart said committee.

Mr. Pennock introduced Bill No. 140, entitled "An act to incorporate the Crittenden Town Company;"

Also, Bill No. 241, entitled "An act to incorporate the Annapolis Town Company;" which were

Referred to the committee on Corporations and Banking.

Also, House Bill No. 242, entitled "An act for the protection of Territorial lands," which was

Referred to the committee on Judiciary.

Also, Bill No. 243, entitled "An act to incorporate the Young Men's Association of the city of Leavenworth."

Referred to committee on Corporations and Banking.

Mr. Columbia introduced Bill No. 245, entitled "An act to incorporate the Alma Town Association."

Also, Bill No. 246, entitled "An act to incorporate the New Hampshire Town Association;" which were

Referred to the committee on Corporations and Banking.

Mr. Bassett introduced Bill No. 247, entitled "An act to define the statutes in a certain case."

Referred to committee on Judiciary.

Mr. Lockhart introduced Bill No. 248, entitled "An act regulating interest."

Referred to the committee on Ways and Means.

Also, Bill No. 249, entitled "An act repealing an act entitled 'An act concerning patrols;' "

Also, Bill No. 250, entitled "An act relative to fugitives from justice;" which were

Referred to the committee on Judiciary.

Mr. Lockhart introduced Bill No. 251, , entitled "An act to incorporate Twin Mound Town Company."

Mr. Mitchell introduced Bill No. 252, "An act to incorporate the Central City Town Company."

Also, Bill No. 253, entitled "An act to incorporate the Neosho Bridge Company."

Mr. Cooper introduced Bill No. 254, entitled "An act to incorporate the Cottonwood Bridge Company."

Also, Bill No. 256, entitled "An act giving validity to a certain class of contracts;" which were

Referred to the committee on Corporations and Banking.

Mr. Cooper introduced Bill No. 255, entitled "An act authorizing the appointment of commissioners of deeds in the States and Territories, and prescribing their duties."

Referred to the committee on Judiciary.

Mr. Hanna introduced Bill No. 257, entitled "An act defining the boundaries of counties, temporarily locating the seat of justice thereof, and for the repeal of all laws in conflict with the same."

Referred to the committee on Counties and County Lines.

Also, Bill No. 258, entitled "An act to incorporate the Baker University."

Referred to the committee on Corporations and Banking.

Mr. Jameson introduced Bill No. 259, entitled "An act defining the boundaries of judicial districts, and prescribing the times and places of holding the courts therein."

Referred to the committee on Judiciary.

Mr. McClure introduced Bill No. 260, entitled "An act to incorporate Wyandott City Bridge Company."

Referred to the committee on Corporations and Banking.

Mr. Stewart introduced Bill No. 261, entitled "An act regulating marriages."

Referred to Committee on Judiciary.

Also, Bill No. 262, entitled "An act to incorporate the Fredonia Town Company."

Referred to the committee on Corporations and Banking.

Mr. Moore introduced Bill No. 263, entitled "An act with reference to electric telegraph lines;"

And, also, Bill No. 264, entitled "An act to incorporate a Hotel Company," which were

Referred to the committee on Corporations and Banking.

On motion of Mr. Bassett,

Resolved, That all bills introduced by standing committees shall be read a second time without being referred to any other committee.

Carried.

House Bill No. 265, entitled "An act requiring the librarian to furnish certain books for the use of the Legislative Assembly during its session," which was

Referred to the committee on Federal Relations.

Was reported back by the committee,

Rule forty-nine suspended, and

The bill was read a second time.

On motion of Mr. Miller,

The rules were suspended, and

The bill passed to a third reading, and

Put upon its final passage.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

On motion of Mr. Appelman,

The House resolved itself into Committee of the Whole, for the consideration of House Bill No. 21, entitled "An act to prohibit the firing of woods, prairies and other grounds."

Mr. Pennock in the chair.

The Committee arose, and, through the chairman, reported back the bill, without amendment.

The House accepted the report of the committee.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was adopted.

On motion of Mr. Lockhart,

The House resolved itself into committee of the Whole, for the consideration of House Bill No. 51, entitled "An act securing liens to mechanics and others."

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 111, "An act to regulate the tolls of grist mills, and prescribing the duties of millers."

Mr. Hanna in the chair.

The committee arose, and, through the chairman, reported back the bill with amendments, in which they asked the concurrence of the House.

The House concurred.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the Chair.

Mr. Lockhart moved to suspend rule forty-nine, and pass to its third reading House Bill No. 25, entitled "An act to incorporate the Cambridge Town Company."

Carried.

The bill was read a third time and

Put upon its final passage.

The question " Shall the bill pass ? " was decided in the affirmative, and

The title greed to.

On motion of Mr. Morrill,

House Bill No. 65, entitled "An act to incorporate the Capioma Town Company," was taken up and

Read a third time, and

Put upon its final passage.

The question " Shall the bill pass ? " was decided in the affirmative, and

The title agreed to.

Mr. Hanna asked and obtained leave to introduce Bill No. 266, entitled "An act in relation to local Land Offices," which was

Referred to the committee on Judiciary.

On motion of Mr. Miller,

Rule 49 was suspended, and

House Bill No. 75, entitled "An act to incorporate the Marble Falls Town Company," was

Read the third time and

Put upon its final passage.

The question " Shall the Bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Speer,

Rule 49 was suspended and

House Bill No. 84, entitled "An act to incorporate the Georgetown Town Company," was

Read a third time and

Put upon its final passage.

The question " Shall the bill pass ?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

Rule 49 was suspended and

House Bill No. 85, entitled "An act to incorporate the Pleasant Valley Town Company," was

Read a third time and

Put upon its final passage.

The question " Shall the bill pass ?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

Rule 49 was suspended and

House Bill No. 90, entitled "An act to incorporate the Battle Hill Town Company," was

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Bassett,

Rule 49 was suspended and

Council Bill No. 1, entitled "An act to incorporate the Westopolis Town Company," was taken up.

Read a third time and

Passed.

On motion of the same,

Rule 49 was suspended and

Council Bill No. 2, entitled "An act to incorporate the Big Blue City Association," was

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Bassett,

The House resolved itself into a committee of the Whole, to consider House Bill No. 22, entitled "An act to incorporate a ferry on the Missouri river at Quindaro."

Mr. Graham in the chair.

The committee arose, and, through the chairman, reported back the bill with amendments, in which they asked the concurrence of the House.

The House concurred.

The bill read a second time.

On motion of Mr. Bassett,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Mitchell,

Rule 49 was suspended and

House Bill No. 170, entitled "An act repealing an act incorporating the Kansas Valley Bank," was

Read a second time.

On motion of Mr. Mitchell,

The rules were suspended.

The bill considered engrossed, and

Passed to the third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

House Bill No. 31, entitled "An act to incorporate the Educational Association of the Methodist Episcopal Church in Kansas Territory."

Mr. Hanna moved to suspend the rules, consider the billl engrossed, and pass to a third reading,

Pending which motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, January 26, 1858.
TWO O'CLOCK P. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absentees were Messrs. Adkins, Bennett, Curtis, Hatterscheidt, Still, Shannon and Wheeler.

Mr. Wheeler's absence was excused on account of sickness.

Petitions and memorials being in order,

Mr. Elliott presented the remonstrance of C. Fenney, and 86 others, against any change of the present boundaries of Atchison county, which was

Referred to the committee on Counties and County Lines.

Also, a petition from E. B. Grimes, and 33 others, asking that the seat of James Adkins, as a member of this House, be declared vacant.

Referred to the committee on Elections.

Mr. Appelman, presented a memorial from Wm. R. Reim, and others, praying the location of a Territorial road from Lawrence to the Oregon road, west of the Republican road.

Referred to the committee on Public Roads.

Reports of standing committee being in order,

Mr. Moore, chairman of the committee on Judiciary, made the following report:

I am directed by the committee to report back House Bill No. 247, entitled "An act to define the statutes in certain cases," and recommend its indefinite postponement;

Also, House Bill No. 249, entitled "An act repealing an act concerning patrols;"

Also, House Bill No. 266, entitled "An act relative to Local Land Offices;"

Also, House Bill No. 255, entitled "An act authorizing the appointment of commissioners of Deeds in the States and Territories, and prescribing their duties," without amendment;

Also, House Bill No. 250, entitled "An act relative to fugitives from justice," with amendment, and recommend it, as amended, as a substitute for House Bill No. 237, entitled "An act in relation to fugitives from other Territories;"

Also, House Bill No. 242, entitled "An act for the protection of Territorial Lands;"

Also, House Bill No. 172, entitled "An act touching the marriage relations;"

Also, House Bill No. 14, entitled "An act to regulate the entry and disposal of town sites," with amendments.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back House Bill No. 185, entitled "An act to incorporate the Bachelor Town Company;"

Also, House Bill No. 203, entitled "An act to incorporate the Chester Town Company;"

Also, House Bill No. 189, entitled "An act to incorporate the Eldridge Town Company;"

Also, Council Bill No. 19, entitled "An act to incorporate the Lawrence Town Company;"

Also, House Bill No. 204, entitled "An act to incorporate the Kaskaskia Town Company;"

Also, House Bill No. 191, entitled "An act to incorporate the Sanfoxie Town Company;"

Also, House Bill No. 262, entitled "An act to incorporate the Fredonia Town Company;"

Also, House Bill No. 252, entitled "An act to incorporate the Central City Town Company;"

Also, House Bill No. 260, entitled "An act to incorporate the Wyandott City Bridge Company."

Mr. Barber, chairman of Ways and Means, introduced Bill No. 270, entitled "An act in relation to County Auditors;"

Also, House Bill No. 271, entitled "An act regulating the fees of officers;"

Also, Bill No. 272, entitled "An act concerning interest on money;"

Also, Bill No. 273, entitled "An act in relation to official bonds and oaths," which were

Referred to the committee on Judiciary.

Mr. Cooper introduced Bill No. 274, entitled "An act in relation to School Lands."

Referred to committee on Education.

Mr. Danford introduced Bill No. 275, entitled "An act to incorporate the Luella Town Company;"

Also, Bill No. 276, entitled "An act to incorporate the Ottawa Town Company."

Mr. Owens introduced Bill No. 280, entitled "An act to charter the Union Town Company," which were

Referred to the committee on Corporations and Banking.

Mr. McClure introduced Bill No. 277, entitled "An act to locate and establish a Territorial road from Sumner to Fort Riley, via Capioma;"

Also, Bill No. 278, entitled "An act for the location and establishment of a Territorial road from Wyandott city to Quindaro."

Mr. Appelman introduced Bill No. 279, entitled "An act to provide for the location and establishment of a Territorial road from Lawrence to Osage City," which were

Referred to the committee on Public Roads.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have passed the following bills:

Council Bill No. 52, entitled "An act to incorporate the city of Tecumseh."

Also, Council Bill No. 12, entitled "An act to amend an act to incorporate the Lecompton Town Company."

Also, Council Bill No. 27, entitled "An act to authorize certain person herein named to erect a toll bridge over the Neosho river, at Burlington, in the Territory of Kansas, and for other purposes."

Also, House Bill No. 240, entitled "An act requiring the librarian to furnish books for the use of the Legislative Assembly."

J. K. GOODIN,
Secretary.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. McClure in the chair, for the consideration of House Bill No. 171, entitled "An act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, and other buildings therein mentioned."

The committee arose, and, through the chairman, reported back the bill, with amendments, in which the House concurred.

On motion of Mr. Hanna,

The rules were suspended and

The bill read a second time.

On motion of Mr. Hanna,

The rules were suspended and

The bill considered engrossed and

The bill passed to a third reading.

The bill was read a third time.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

The House resolved itself into Committee of the Whole, for the consideration of House Bill No. 79, Mr. Appelman in the chair, entitled "An act to regulate the sale of spirituous liquors."

The committee arose, and, through the chairman, reported back the bill, and recommended it be referred to a select committee of five, with instructions to report a complete bill.

The Speaker appointed the following members of said committee: Messrs. Hanna, Graham, Appelman, Moore and Stewart.

On motion of Mr. Curtis,

Jacob Samstein, of Franklin county, was declared assistant enrolling clerk.

The journal read, amended and approved.

On motion of Mr. Cooper,

Resolved, That, after this date, the stated hours for the meeting of this House be nine o'clock A. M., and two o'clock P. M.

Mr. Moore moved to amend, by striking out "two," and inserting "seven," P. M.

Lost.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council has passed Council Bill No. 99, entitled "An act to incorporate the city of Quindaro."

BEN. F. HUTCHINS,
Journal Clerk.

Which was, on motion,

Referred to the committee on Corporations and Banking.

Mr. Bassett moved to make all special legislation the special order immediately after the morning orders.

Carried.

On motion of Mr. Jameson,

The House resolved itself into Committee of the Whole, Mr. Mitchell in the chair, for the consideration of House Bill No. 14, entitled "An act to regulate the entry and disposal of town sites."

The Committee arose, and, through the chairman, reported back the bill.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

The following resolution was offered by Mr. Curtis: That,

WHEREAS, Nearly one-half of this Territory has no representation or voice in either branch of this Assembly, therefore, be it

Resolved, That we deem it inexpedient, at this session, to make any general change or alteration of county lines or boundaries, and especially as regards the portion so disfranchised.

Mr. Elliott moved to amend, as follows:

"Or to go into any legislation which shall effect the people of those counties which have not a full representation in the present Legislature."

Pending which motion,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Moore,

Resolved, That the courtesies of the House be extended to Dr. Blair, Capt. J. B. Stockton, C. M. Ferrill, Esq., and A. M. Whiting, of Leavenworth City, and that they be invited to seats within the bar.

Carried.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole. Mr. Seymour in the chair, to consider House Bill No. 17, entitled "An act granting to Alexander Repine and Frank Paupitz certain privileges."

The committee arose, and, through the chairman, reported back the bill without recommendation.

Mr. Hanna moved to recommit the bill to committee on Corporations and Banking.

Mr. Speer moved to amend by inserting "Committee on Judiciary."

Carried.

Mr. Cooper asked and obtained leave to introduce Bill No. 281, entitled "An act to repeal certain acts therein named."

The bill was referred to the committee on Counties and County Lines.

Mr. Speer introduced Bill No. 282, entitled "An act to incorporate the Town Company of the Town of Medina."

Referred to the committee on Corporations and Banking.

Mr. Morrill introduced Bill No. 283, entitled "An act to incorporate the Claytonville Town Company."

Referred to the committee on Corporations and Banking.

Mr. Barry introduced Bill No. 284, entitled "An act to regulate reference and arbitration."

Referred to the committee on Judiciary.

Mr. Jameson introduced Bill No. 285, entitled "An act to incorporate the Winona Town Company."

Mr. Mitchell introduced Bill No. 286, entitled "An act to incorporate the Dover Town Company."

Also, Bill No. 287, entitled "An act to incorporate the Waynesburg Town Company," which were

Referred to Committee on Corporations and Banking.

The following communication was received :

HON. G. W. DEITZLER, SIR :—At a recent meeting of the trustees of the Lawrence public schools, it was voted that an invitation be extended to the Territorial Legislature, through their presiding officers, to visit the Lawrence public school, in the basement of the Unitarian church, at their convenience. Enclosed, you will find the order of exercises.

A. NEWMAN,
Sec'y of School Committee.

Lawrence, Jan. 28, 1858.

A communication from the military board was received, read and

Referred to the Committee on Militia.

On motion of Mr. Hanna,

Resolved, By the House of Representatives (the Council concurring,) That we will, on Friday next, at 2 o'clock P. M., visit the Lawrence high school, at the Unitarian church, in compliance with the invitation of the trustees thereof.

Carried.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, January 27, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absentees—Messrs. Adkins, Brock, Bennett, Curtis, Hatterscheidt Jenkins, Morrill, McClure, Miller, Owens, Pennock, Reynard, Shannon, Stewart, Wheeler and Mr. Speaker.

Petitions and memorials being in order,

Mr. Lockhart presented a memorial from S. Thompson, and others, of Johnson county, praying that the county lines may not be changed, and that Olathe be made the county seat.

Referred to committee on Counties and County lines.

Mr. Graham presented a petition from W. H. Jones, Sol. Miller, and sixty-one others, praying for a law prohibiting the running at large of swine;

Also, the petition of John O'Neal, A. J. Marvin, and others, or Doniphan county, asking for a law restraining the running at large of swine; both of which were

Referred to committee on Agriculture.

Reports of standing committees being in order,

Mr. Mitchell, chairman of the committee on Corporations and Banking reported back House Bill No. 275, entitled "An act to incorporate the Luella Town Company;"

Also, House Bill No. 276, entitled "An act to incorporate the Ottawa Town Company;"

Also, House Bill No. 286, entitled "An act to incorporate the Dover Town Company;"

Also, House Bill No. 281, entitled "An act to incorporate the Town Company of the town of Medina," with amendments to the several bills.

Also, House Bill No. 145, entitled "An act to incorporate the Pardee Seminary;"

Also, House Bill No. 115, entitled "An act to incorporate the Wilmington Seminary," and recommend they be referred to the committee on Education.

Mr. Moore, chairman of the committee on Judiciary, reported back to the House, House Bill No. 17, entitled "An act granting to Alexander Repine and Frank Paupitz certain privileges," with amendments.

Also, House Bill No. 283, entitled "An act to regulate reference and arbitration," without amendment.

Mr. Lockhart, chairman of the committee on Engrossed Bills, reported back House Bill No. 156, entitled "An act to prohibit Lotteries, Raffles, Gift Enterprises, and other schemes of like character," with amendments.

Mr. Mitchell, chairman of the committee on Corporations and Banking, introduced Bill No. 288, entitled "An act for the incorporation of Towns and Villages."

Mr. Graham introduced Bill No. 290, entitled "An act to incorporate the Maires Town Company;"

Also, Bill No. 290, entitled "An act to incorporate the Evans Town Company," which were

Referred to the committee on Corporations and Banking.

Mr. Appelman introduced Bill No. 291, entitled "An act concerning estrays."

Referred to committee on Agriculture.

Mr. Morrill introduced Bill No. 292, entitled "An act relating to divorces."

Referred to the committee on Vice and Immorality.

Mr. Moore introduced Bill No. 293, entitled "An act concerning Bills of Exchange and Promissory notes."

Referred to the committee on Judiciary.

Mr. Seymour introduced Bill No. 294, entitled "An act establishning Boards of County Commissioners."

Referred to committee on Counties and County Lines.

Mr. Barry introduced Bill No. 295, entitled "An act to establish a Territorial road from Manhattan City to the Republican river."

Referred to Committee on Public Roads.

Mr. Graham introduced Bill No. 233, entitled "An act to incorporate the White Cloud Insurance Company."

Referred to committee on Corporations and Banking.

Mr. Curtis introduced Bill No. 297, entitled "An act exempting homesteads from sale and execution."

Referred to a select committee of three, consisting of Messrs. Curtis, Mitchell and Elliott.

Mr. Elliott introduced Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Manufacturing Company."

Referred to committee on Corporations and Banking.

Mr. McClure introduced Bill No. 299, entitled "An act for the Organization, Supervision, and Maintenance of Common Schools."

Referred to the committee on Education.

Mr. Hanna introduced Bill No. 300, entitled "An act to incorporate the Franklin Fire, Marine and Life Insurance Company."

Referred to committee on Corporations and Banking.

Mr. Delong introduced Bill No. 301, entitled "An act to locate a Territorial road from the town of Brownsville to the City of Ashland."

Referred to the Committee on Public Roads.

House of Representatives, Jan. 27, 1858.

To the Chief Clerk:

Sir:—Feeling thankful for the appointment given me as the second assistant to the chief clerk, I hereby beg leave to tender my resignation of the same.

Respectfully yours,

H. TUCKER.

The resignation was accepted, and E. D. Thompson was appointed as second assistant clerk, and took the oath of office.

On motion of Mr. McClure,

The House resolved itself into Committee of the Whole, (Mr. Curtis in the chair,) for the consideration of House Bill No. 103, entitled "An act to incorporate the Leavenworth and Fort Gibson Railroad Company."

The committee arose, and, through the chairman, reported back the bill, and recommended it to be referred, together with Bill No. 55, entitled "An act to incorporate the Osawatomie Town Company," to the committee on Corporations and Banking.

Mr. Stewart moved to reject the report.

Lost.

Mr. Curtis moved to accept the report.

Carried.

On motion of Mr. Reynard,

House Bill No. 83, entitled "An act to incorporate the Holton Town Company," was taken up, and

Read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

The rules were suspended, and

The following bills were read a second time:

House Bill No. 100, entitled "An act to incorporate the Seneca Town Company;"

Also, House Bill No. 101, entitled "An act to incorporate the Sabetha Town Company;"

Also, House Bill No. 104, entitled "An act to incorporate the Osage City Association;"

Also, House Bill No. 105, entitled "An act to authorize Jacob N. McCall and Egbert M. Lee, and others, to build a bridge across Independence Creek;"

Also, House Bill No. 108, entitled "An act to incorporate the White Cloud City Company;"

Also, House Bill No. 109, entitled "An act authorizing Ozias Bailey and Cornelius Dorland to keep a ferry across the Missouri river, at White Cloud, Doniphan county;"

Also, House Bill No. 113, entitled "An act to incorporate the Superior Town Company;"

Also, House Bill No. 116, entitled "An act to incorporate the Clayton Town Company;"

Also, House Bill No. 122, entitled "An act in relation to the Kansas River Bridge Company;"

Also, House Bill No. 123, entitled "An act for the incorporation of the Prairie City and State Line Railroad Company;"

Also, House Bill No. 138, entitled "An act to establish and charter a ferry at the city of Elwood;"

Also, House Bill No. 148, entitled "An act to incorporate the Marmaton Town Company;"

Also, House Bill No. 151, entitled "An act to incorporate the Spring Grove Town Company;"

Also, House Bill No. 153, entitled "An act to establish a ferry in Jefferson county, opposite Lawrence;"

Also, House Bill No. 157, entitled "An act to legalize the collection and assessment of Taxes in Prairie City, Douglas county;"

Also, House Bill No. 164, entitled "An act to incorporate the Mapleton Town Company."

Mr. Hanna, chairman of the special committee to whom was referred House Bill No. 79, entitled "An act regulating the sale of Spirituous Liquors," reported back the bill, with sundry amendments.

On motion,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Appelman in the chair.

The committee arose, and, through the chairman reported back the bill, with sundry amendments, and asked the concurrence of the House.

The House concurred in the amendments.

On motion,

The bill was read a second time.

On motion of Mr. Hanna,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

A call of the House was ordered.

The following members did not answer to their names:

Messrs. Adkins, Bennett, Curtis, Hatterscheidt, Miller, Pennock and Shannon.

The sergeant-at-arms was ordered to bring in absentees.

Pending the call of the House,

Mr. Mitchell, chairman of committee on Corporations and Banking, obtained leave, and reported back Council Bill No. 99, entitled "An act to charter the city of Quindaro."

Mr. Speer moved that the bill be made the special order for two o'clock.

Carried.

Mr. Owens obtained leave, and reported back the report of the Military Board, and recommended its adoption, and that 1,000 copies in English, and 500 in German, be printed.

Adopted.

The sergeant-at-arms reported himself, with absentees, when the further call of the House was dispensed with.

House Bill No. 79, entitled "An act to regulate the sale of spirituous Liquors," being on its final passage,

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Badger, Brock, Columbia, Cooper, Curtis, Delong, Danford, Elliott, Graham, Hanna, Jameson, Keller, Lockhart, Morrill, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Zinn—30.

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On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. Danford in the chair, for the consideration of House Bill No. 159, entitled "An act to suppress houses of ill fame."

The committee arose, and, through the chairman, reported back the bill, without amendment.

The bill was read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

The House went into Committee of the Whole, Mr. Bassett in the chair, for the consideration of House Bill No. 31, entitled "An act to incorporate the Educational Association of the Methodist Episcopal Church in Kansas Territory."

The Committee arose, and, through the chairman, reported back the bill with amendments, and ask the concurrence of the House therein.

The House agreed to the amendments.

On motion,

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The ayes and noes were ordered, with the following result:

Ayes—Messrs. Appelman, Barber, Bassett, Badger, Brock, Cooper, Delong, Danford, Elliott, Graham, Hanna, Jameson, Keller, Lockhart, Morrill, Moore, Owens, Orr, Pennock, Reynard, Speer, Still, Stewart, Stratton, Wheeler—25.

Noes—Messrs. Barry, Columbia, Curtis, Jenkins, McClure, Mitchell, Miller, Seymour, Zinn—9.

The bill passed, and

The title agreed to.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole Mr. Morrill in the chair, for the consideration of House Bill No. 96, entitled "An act to incorporate the Mound City Association."

The committee arose, and, through the chairman, reported back the bill with amendments and asked the concurrence of the House.

The House concurred in the amendments, and

The bill read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Lockhart in the chair, for the consideration of House Bill No.

17, entitled "An act granting to Alexander Repine and Frank Paupitz, certain privileges."

The Committee arose, and, through the chairman, reported back the bill without amendments.

On motion by Mr. Moore,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time.

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative.

The title agreed to.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, January 28, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Adkins, Appelman, Badger, Bennett, Curtis, Hatterscheidt, Jameson, McClure, Miller, Reynard, Shannon, Stratton, Wheeler, Zinn.

The journals of the 26th and 27th were read, corrected and approved.

Petitions and memorials being in order,

Mr. Barry presented a petition from sundry citizens of Pottawattamie county, remonstrating against the alteration of county lines in said county.

Referred to the committee on Counties and County Lines.

Mr. Keller presented a memorial from A. McCullough and sixty-six others, praying for a charter of a ferry across the Missouri river, at the city of Kickapoo.

Referred to the committee on Public Roads.

On motion of Mr. Cooper,

Resolved, That all local business be made the special order of Friday in each week.

Carried.

On motion by Mr. Hanna,

Resolved, That the courtesies of the House be extended to B. F. Simpson and J. F. Johnson, and that they be invited to seats within seats within the bar of the House.

Carried.

Reports from standing committees:

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back House Bill No. 283, entitled "An act to incorporate the West Claytonville Town Company."

Also, House Bill No. 280, entitled "An act to charter the Union Town Company."

Also, House Bill No. 253, entitled "An act to incorporate the Neosho Bridge Company."

Also, House Bill No. 289, entitled "An act to incorporate the Maires Town Company;"

Also, House Bill No. 132, entitled "An act to charter the Little Arkansas Bridge Company," with amendments.

Also, House Bill No. 300, entitled "An act to incorporate the Franklin Fire, Marine and Life Insurance Company."

Also, House Bill No. 296, entitled "An act to incorporate the White Cloud Insurance Company."

Also, House Bill No. 215, entitled "An act to incorporate the Kansas Central Railroad Company," without amendment.

Presentation of new bills being in order,

Mr. Keller introduced Bill No. 302, entitled "An act to incorporate the Cumberland Town Company."

Mr. Delong introduced Bill No. 306, entitled "An act to incorporate the Buffalo Town Company "

Also, Bill No. 307, entitled "An act to incorporate the Cleveland Town Company,"

Mr. Keller introduced Bill No. 303, entitled "An act to estab-establish and charter a ferry at the city of Kickapoo."

Mr. Hanna introduced Bill No. 304, entitled "An act to incorporate the Prairie City Town Company."

Mr. Mitchell introduced Bill No. 3C5, entitled "An act to incorporate the Waterloo Town Company."

Mr. Speer introduced Bill No. 308, entitled "An act to incorporate the Moneka Town Company."

Also, Bill No. 309, entitled "An act to incorporate the Kossuth Town Company."

Mr. Curtis introduced Bill No. 310, entitled "An act to incorporate the Osage Bridge Company."

Mr. Jameson introduced Bill No. 307, entitled "An act to incorporate the Hamby University."

Mr. Owens introduced Bill No. 312, entitled "An act to charter a ferry across Grasshopper river."

Mr. Graham introduced Bill No. 313, entitled "An act to incorporate the Mount Vernon Town Company."

Mr. Still introduced Bill No. 316, entitled "An act to incorporate the Bozarus Town Company."

Mr. Stratton introduced Bill No. 319, entitled "An act to incorporate the Kansas Express Stage Company."

All of which were

Referred to the committee on Corporations and Banking.

Mr. Graham introduced Bill No. 314, entitled "An act to establish a Territorial road from Leavenworth to Council Grove."

Referred to the committee on Public Roads.

Mr. Lockhart introduced Bill No. 315, entitled "An act for the prevention of gaming."

Referred to the committee on Judiciary.

Mr. Speer introduced Bill No. 317, entitled "An act to abolish the office of Comptroller of the Treasury."

Referred to the committee on Judiciary.

Mr. Lockhart introduced Bill No. 318, entitled "An act to prevent the circulation of private securities as currency."

Referred to the committee on Engrossed Bills.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform that they have passed House Bill No. 114, entitled "An act to incorporate the Minneola Town Company;"

Also, Council Bill No. 21, entitled "An act to establish a ferry at the town of Sumner, in Kansas Territory;"

Also, Council Bill No. 42, entitled "An act to incorporate the Lane City Association;"

Also, Council Bill No. 43, entitled "An act to incorporate the Italia Town Company;"

Also, Council Bill No. 47, entitled "An act to establish a ferry across the Kansas river, in Kansas Territory, from Wabaunsee, in Richardson county, to Webster, in Pottawattamie county;" respectfully asking your favorable consideration thereon.

J. K. GOODIN,
Secretary.

Mr. Cooper gave notice that he would, on a subsequent day, introduce a bill defining misdemeanors, and prescribing punishment therefor.

Report from H. J. Strickler, comptroller of the treasury, was received, and

Referred to the Committee of Ways and Means.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives that the Council have passed House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State constitution," with amendments, asking, respectfully, your concurrence therein.

J. K. GOODIN,
Secretary.

Mr. Mitchell gave notice that he would, on to-morrow or some subsequent day, introduce a bill providing for a code of laws for the Territory of Kansas.

On motion of Mr. Mitchell,

The House resolved itself into Committee of the Whole, Mr. Badger in the chair, for the consideration of House Bill No. 141, entitled "An act regulating the services of justices of the peace in cases of assault and battery."

The committee arose, and, through the chairman, reported back the bill without amendment, and

On motion,

The bill was read a second time.

On motion of Mr. Danford,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

Resolved, That the public printer be instructed to print bills in their numerical order, except, that bills of a general character shall, in all cases, have precedence; and that no bill of a local nature shall be printed unless by request of the standing committee or ordered by the House.

On motion of Mr. Moore,

The House resolved itself into committee of the Whole, Mr. Danford in the chair, for the consideration of House Bill No. 99, entitled "An act to incorporate the Cherokee Mining Company."

The committee arose, and, through the chairman, reported the bill back to the House with sundry amendments, and asked the concurrence of the House.

The House concurred, and,

On motion,

Rule 49 was suspended and

The bill read a second time.

On motion of Mr. Moore,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. McClure in the chair, for the consideration of House Bill No. 125, entitled "An act providing for the opening, vacating and change of highways."

The committee arose, and, through the chairman, reported progress, and asked leave to sit again, which was

Granted.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the Chair.

On motion of Mr. Cooper,

House Bill No, 41, entitled "An act to elect delegates to a convention to frame a State constitution," which was made the special order for 2 o'clock, was taken up.

On motion of Mr. Moore,

The bill was postponed.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole Mr. Orr in the chair, for the consideration of House Bill No. 25, entitled "An act for opening, vacating and change of Highways."

The Committee arose, and, through the chairman, reported back the bill with amendments.

On motion of Mr. Cooper,

The bill was considered engrossed.

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative.

The title agreed to.

On motion of Mr. Morrill,

The House resolved itself into Committee of the Whole Mr. Stratton in the chair, for the consideration of House Bill No. 40, as returned from the Council, with amendments, entitled "An act to elect delegates to a convention to frame a State Constitution."

The Committee arose, and, through the chairman, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Curtis,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

FRIDAY, Jan. 29, 1858,
NINE O'CLOCK A. M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Badger, Speer, Stewart and Shannon.

On motion of Mr. Moore,

The reading of the journal was deferred.

Petitions and memorials being in order,

Mr. Barry presented the petition of G. W. Brown and others, praying for a Territorial road from Fort Riley to Iowa Point;

Also, the petition of C. W. Beebe and others, praying for the limitation of Manhattan City;

Also, the petition of G. W. Brown and others, praying for a Territorial road from Council Lane, on the Leavenworth road, to Patterson's Station in Marshall county.

Mr. Morrill presented a memorial from Sanford R. Eddy and others, in reference to Pottawattomie county, which was

Referred to the committee on Counties and County Lines.

On motion of Mr. Seymour,

Resolved, That the sergeant-at-arms be and is hereby instructed te procure five dollars worth of postage stamps for each member and officer of the House of Representatives.

Carried.

Mr. Cooper gave notice that he would, on a subsequent day, introduce a bill defining the duties of supervisors of Roads and Highways.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back to the House, House Bill No. 313, entitled "An act to incorporate the Mount Vernon Town Company," with amendments;

Also, House Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Dressing Manufacturing Company," without amendment.

Mr. Moore, chairman of committee on Judiciary, reported back to the House, House Bill No. 293, entitled "An act concerning bills of exchange and promissory notes;"

Also, House Bill No. 261, entitled "An act relating to marriages," without amendment.

Mr. Delong, chairman of committee on Agriculture, made the following report:

Your committee have had under consideration House Bill No. 191, entitled "An act concerning Estrays," and report the same back to the House without amendment.

Mr. Barber, chairman of committee on Ways and Means, introduced Bill No. 337, entitled "An act in reference to the assessment of Taxes in the Territory of Kansas."

Referred to the committee on Judiciary.

Mr. Hatterscheidt introduced Bill 322, entitled "An act to incorporate Awatta Town Company."

Mr. Jenkins introduced Bill No. 320, entitled "An act to incorporate the Chesterfield Town Company," which were

Referred to the committee on Corporations and Banking.

Also, Bill No. 321, entitled "An act to provide for the county seat of Pottawattamie county."

Referred to the committee on Elections.

Mr. Hatterscheidt introduced Bill No. 323, entitled "An act to incorporate the Leavenworth Turnverein."

Also, Bill No. 324, entitled "An act to incorporate the Altona Town Company."

Mr. Columbia introduced Bill No. 325, entitled "An act to incorporate the Waupego Town Company."

Mr. Stratton introduced Bill No. 327, entitled "An act to incorporate the Bath Town Company."

Mr. Morrill introduced Bill No. 329, entitled "An act to incorporate the Leavenworth City, Hamlin and Nebraska Line Railroad Company."

Mr. Barry introduced Bill No. 330, entitled "An act to define the corporate authorities of Manhattan City."

Also, Bill No. 331, entitled "An act to incorporate the Shipsport Town Company."

Mr. Bassett introduced Bill No. 332, entitled "An act to incorporate the Hamilton Town Company."

Mr. Jameson introduced Bill No. 333, entitled "An act to incorporate the Springdale Town Company."

Also, Bill No. 334, entitled "An act to incorporate the Toronto Town Company."

Mr. Speer introduced Bill No. 335, entitled "An act to incorporate the Kosciusko Town Company."

Also, Bill No. 336, entitled "An act to incorporate the Corydon Town Company; which were

Referred to the committee on Corporations and Banking.

Mr. Columbia introduced Bill No. 326, entitled "An act to authorize H. D. Harris, and others, to build a bridge across 110 mile creek, in Shawnee county."

Referred to committee on Public Roads.

Mr. Mitchell introduced Bill No. 328, entitled "An act to establish a Code of Procedure."

Referred to Committee on Judiciary, and

Ordered to be printed.

On motion of Mr. Hanna,

Resolved, That the printer be hereby specially instructed to print the bill providing for a code of practice and pleading, in preference to any and all other bills.

Carried.

Message from the Council:

MR. SPEAKER:—I have the honor to inform that the Council has passed Council Bill No. 86, entitled "An act to incorporate the Republican River Bridge Company."

Also, Council Bill No. 93, entitled "An act repealing an act entitled 'An act to provide for the collection of revenues, and an act supplemental thereto.'"

Also, Council Bill No. 92, entitled "An act to repeal an act entitled 'An act to charter the city of Lawrence.'"

Also, Council Bill No. 96, entitled "An act to incorporate the Glasgow Town Company."

Also, Council Bill No. 45, entitled "An act to incorporate the Wakarusa Town Company;" respectfully asking your favorable consideration thereon.

J. K. GOODIN,
Secretary.

And, also, that the Council has concurred in the following House resolution:

Resolved, By the House of Representatives, (the Council concurring,) That we, on Friday the 29th instant, at 2 o'clock P. M., visit the Lawrence High School, at the Unitarian Church, in compliance with the invitation of the Trustees thereof.

J. K. GOODIN,
Secretary.

On motion of Mr. Hanna,

Council Bill No. 86, entitled "An act to incorporate the Republican River Bridge Company," was

Read a second time.

On motion of Mr. Moore,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Sampstein, assistant enrolling clerk of the House of Representatives, presented himself at the Speaker's stand, took the oath of office, and entered upon his duties.

On motion of Mr. Hanna,

Council Bill No. 96, entitled "An act to incorporate the Glasgow Town Company," was taken up, and

Read a second time.

On motion of Mr. Danford,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER: — I am directed to inform of the passage by the Council of the following bills, asking your favorable consideration thereon:

Council Bill No. 34, entitled "An act to incorporate the Leavenworth Gas Light Company."

Also, Council Bill No. 65, entitled "An act to incorporate the Burlingame Town Company."

Also, House Bill No. 17, entitled "An act granting Alexander Repine and Frank Paupitz certain privileges."

J. K. GOODIN,
Secretary.

And, also, that the Council have concurred in the amendments of the House of Representatives to Council Bill No. 99, entitled "An act to incorporate the city of Quindaro."

Have also passed Council Bill No. 28, entitled "An act to incorporate the Cottonwood Town Company."

On motion of Mr. Mitchell,

Council Bill No. 28 was taken up and

Read a second time.

On motion of Mr. McClure,

The bill was referred to the committee on Corporations and Banking.

On motion of Mr. Danford,

Council Bill No. 65, entitled "An act to incorporate the Burlingame Town Company," was taken up and

Read a second time.

On motion of Mr. McClure,

The rules were suspended,

The bill considered engrossed and

Passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

Council Bill No. 34 was taken up and

Read a second time, and,

On motion of Mr. Moore,

The Bill was referred to the committee on Corporations and Banking.

On motion of Mr. Pennock,

The House resolved itself into Committee of the Whole, Mr. Stratton in the chair, for the consideration of House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State constitution."

The committee arose, and, through the chairman, reported back the bill, with amendment, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Morrill,

Resolved, That the use of the hall be granted to the managers of the "Free State ball," this evening.

Carried.

Mr. Speer asked and obtained leave to report back Bill No. 317, entitled "An act to abolish the office of Comptroller of the Treasury," and

Ordered to be printed.

On motion of Mr. Hanna,

House Bill No. 300, entitled "An act to incorporate the Franklin Fire, Marine and Life Insurance Company," was taken up.

Rule 49 was suspended and

The bill was read a second time, and,

On motion of Mr. Mitchell,

The rules were suspended and

The bill considered engrossed and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Bassett,

Council Bill No. 6, entitled "An act in relation to the Kansas Bridge Company," was taken up and

Rule 49 was suspended, and

The bill was read a second time.

On motion of Mr. Moore,

The rules were suspended and

The bill passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title greed to.

On motion of Mr. Danford,

The House adjourned.

SATURDAY, Jan. 30, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Badger, Cooper, Curtis, Jameson, Keller, Reynard, Shannon, Still.

Journals of Thursday 28th and Friday 29th were read, corrected and approved.

On motion of Mr. Danford,

Resolved, That the courtesies of the House be extended to Messrs. John F. Gates, J. H. Tate, P. Bowen, J. T. Campbell, Daniel Sibbett, H. Smith, H. P. Dudley, D. Pickering, R. Phelan, John P. Wheeler and J. H. Parsons, and that they be invited to seats within the bar.

Carried.

Petitions and memorials being in order,

Mr. Morrill presented the petition of Sol. Miller, and others, of Doniphan county, praying for a Territorial road from White Cloud to Marysville, in Marshall county;

Also, the petition of John M. Briggs for a Territorial road from Lawrence, via Oskaloosa, to the Nebraska line, in the direction of Falls City, Nebraska Territory.

Mr. Lockhart presented the petition of J. H. Eddy, and others, praying for a Territorial and postal road from Leavenworth to Marysville; which were

Referred to the committee on Public Roads.

Mr. Barry presented a memorial from J. W. Parsons, of Riley county, praying that the county site be referred to the people, by election.

Referred to the committee on Counties and County Lines.

Reports of standing committees being in order,

Mr. Mitchell chairman of the committee on Corporations and Banking, reported back Council Bill No. 34, entitled "An act to incorporate the Leavenworth city Gas Light Company."

Mr. Speer, chairman of the committee on Elections, reported back House Bill No. 321, entitled "An act to provide for the county seat of Pottawattamie county."

Mr. Mitchell introduced Bill No. 339, entitled "An act to extend time to John H. Tate, Sheriff of Linn county, for the collection of taxes in said county."

Referred to the committee on Judiciary, with instructions to report immediately.

Mr. Hanna introduced Bill No. 341, entitled "An act concerning Trusts and Powers."

Mr. Owens introduced Bill No. 343, entitled "An act declaring certain persons privileged from arrest on civil process."

Mr. Cooper introduced Bill No. 345, entitled "An act defining felony, and prescribing punishment therefor."

Also, Bill No. 346, entitled "An act defining misdemeanors, and prescribing punishment therefor;" which were

Referred to the committee on Judiciary.

Mr. Wheeler introduced Bill No. 340, entitled "An act to locate a Territorial road from the city of Columbus to the city of Palermo."

Mr. Hanna introduced Bill No. 342, entitled "An act to incorporate the Kansas City, Osage and Neosho Valley Railroad Company."

Mr. Cooper introduced Bill No. 344, entitled "An act defining certain duties of Supervisors of Roads and Highways;" which were

Referred to the committee on Public Roads.

Mr. Graham introduced Bill No. 347, entitled "An act regulating oaths and prescribing the forms of oaths of office."

Referred to the committee on Judiciary.

Mr. Still introduced Bill No. 348, entitled "An act to incorporate the Claysville Town Company."

Referred to the committee on Corporations and Banking.

Also, Bill No. 349, entitled "An act regulating enclosures."

Referred to the committee on Agriculture.

Mr. Moore, chairman of the committee on Judiciary, asked and obtained leave to report back House Bill No. 339, entitled "An act to extend time to John H. Tate, Sheriff of the county of Linn, for the collection of taxes in said county."

On motion of Mr. Moore,

Rule 49 was suspended and

The bill read a second time.

On motion of Mr. Mitchell,

The rules were suspended.

The bill considered engrossed, and

Passed to the third reading.

The bill was read a third time, and

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Moore introduced Bill No. 350, entitled "An act to incorporate the Kansas Telegraph Company."

Referred to the committee on Corporations and Banking.

Mr. Danford gave notice that he was preparing, and would, on a subsequent day, introduce a bill to establish districts and apportion members for the next Legislative Assembly.

On motion of Mr. Moore,

House Bill No. 147, "An act to incorporate the Leavenworth Patent Brick and Stone Manufacturing Company," was taken up, and,

On motion of Mr. Pennock,

The rules were suspended, and the bill

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Elliott, House Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Manufacturing Company," was taken up and

Read a second time.

Messages on the Speaker's table:

To the House of Representatives:

Gentlemen:—I have this day approved "An act to incorporate the Minneola Town Company." This approval has been given with great reluctance, believing, as I do, that special legislation ought to be avoided as far as possible. But, out of deference to the wishes of the Legislative Assembly, and the belief that all the provisions of "An act entitled 'An act concerning corporations,'" [statutes of 1855,] will be strictly enforced in all such cases, I have approved it as above stated.

Jan. 28, 1858. J. W. DENVER,
Acting Governor.

To the House of Representatives:

GENTLEMEN:—Herewith I return An act entitled "An act requiring the librarian to furnish books for the use of the Legislative Assembly," without my approval. The Organic Act requires the library of the Territory to be kept at the seat of Government. The act of Congress, approved March 3, 1855, making appropriations for the erection of public buildings in the Territory of Kansas, provides that the money thus appropriated shall not be expended until the Legislature of said Territory shall have fixed, by law, the permanent seat of government. The Legislature, acting under this authority, fixed the permanent seat of government at Lecompton, and thereby exhausted all the powers conferred on them by Congress on the subject. The library, then, must be kept at Lecompton, and the librarian is made responsible for the safe keeping of the books. Every member of the Legislature is authorized, during the session, to take out any book, at pleasure, upon giving a receipt for the same. If the book is not returned, the member receipting must pay for it. This is a wholesome regulation, and is necessary, in order to preserve the books in the library, and, in my opinion, it would be wrong to take any portion of the books from the custody of the librarian, even if the act of Congress would permit it, place them in the hands of gentlemen who would be under no obligation to return them, and, at the same time, hold the librarian responsible for them.

With these objections, the bill is herewith returned to the House in which it originated.

J. W. DENVER,
Jan. 28, 1858. Acting Governor.

Message from the Council:

MR. SPEAKER:—I have the honor to inform that the Council have passed the following bills:

Council Bill No. 85, "An act to incorporate the Manhattan and Kansas River Bridge Company."

Council Bill No. 75, "An act to incorporate the town of Port William."

Council Bill No. 59, "An act to incorporate the Ohio City Association."

Council Bill No. 57, "An act to incorporote the Webster Town Company."

Council Bill No. 60, "An act to change the name of Roseport to Elwood, and incorporate the Elwood Town Company."

Council Bill No. 84, "An act to incorporate the Blue River Bridge Company."

Council Bill No. 77, "An act to provide for the punishment of offenses against private property."

Council Bill No. 31, "An act to establish a ferry at Iowa Point, in the Territory of Kansas."

House Bill No. 99, "An act to incorporate the Cherokee Mining Company."

J. K. GOODIN,
Secretary.

All of which were referred to their appropriate committees.

On motion of Mr. Mitchell,

Council Bill No. 34, entitled "An act to incorporate the Leavenworth City Gas Light Company," was taken up.

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question " Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. Seymour in the chair, for the consideration of House Bill No. 110, entitled "An act to establish and regulate Ferries."

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Cooper,

The rules were suspended, and

The bill passed to a third reading, and

The bill was read a third time, and

Put upon its final passage.

The question being "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Appelman,

House Bill No. 37, entitled "An act to provide and regulate the running at large of Swine," was taken up and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barber, Badger, Columbia, Cooper, Danford, Graham, Hanna, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Speer, Seymour, Still, Stewart, Stratton—20.

Noes—Messrs. Bassett, Brock, Hatterscheidt, Mitchell, Orr, Owens, Zinn—7.

Twenty-seven votes—twenty in the affirmative, and seven in ths negative.

The bill passed, and

The title agreed to.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr.

McClure in the chair, for the consideration of House Bill No. 172, entitled "An act touching the marriage relation, and liabilities incident thereto."

The committee arose, and, through the chairman, reported back the bill and recommended its reference, together with House Bill No. 175, to a select committee, and asked the concurrence of the House.

The House concurred in the report of the Committee.

The Speaker appointed the following members said committee: Messrs. Stratton, Hanna, Mitchell, Cooper, Bassett and Graham.

On motion of Mr. Graham,

Resolved, That the thanks of this body be returned to the trustees of the Quincy High School, of Lawrence, for the very polite invitation given to the members of the Legislature, to visit their institution, on Friday, the 29th inst., and, also, the teachers and assistants, for the great pleasure afforded us in witnessing the systematic arrangements of the school, the exact order prevailing in the different departments, and the evidence of proficiency made by the pupils in the different branches of study, and we cordially commend said school to the continued patronage of the public.

Carried.

On motion of Mr. Morrill,

Resolved, That a committee of three be appointed to confer with the Governor in regard to the incorporation of Town Companies.

Pending which motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Cooper gave notice that he would, on a subsequent day, introduce a bill to define the duties of Justices of the Peace.

Also, a bill defining the duties of constables.

Mr. Danford introduced Bill No. 351, entitled "An act to declare a certain road a Territorial road."

Referred to the Committee on Public Roads.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Cooper in the chair, for the consideration of House Bill No. 266, entitled "An act in relation to local Land Offices."

The committee arose, and, through the chairman, reported back the bill with the enacting clause stricken out, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Elliott,

House Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Manufacturing Company," was taken up and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

Resolved, That the committee on Corporations and Banking be instructed to report, to the House, on Monday next, House Bill No. 73, entitled "An act to incorporate Geary City."

Lost.

On motion of Mr. Speer,

Resolved, That the several committees, to whom were referred the different subjects of legislation, are hereby instructed to report bills at as early a day as Wednesday next.

Carried.

Mr. Graham asked and obtained leave of absence for the remainder of the afternoon.

Message from the Governor:

To the House of Representatives:

GENTLEMEN: —I have this day approved an act entitled "An act granting to Alexander Repine and Frank Paupitz certain privileges."

Jan. 30, 1858. J. W. DENVER,
Acting Governor.

Message from the Council:

MR. SPEAKER:—I have the honor to inform of the passage of Council Bill No. 70, entitled "An act to incorporate the Garrison Town Company;"

House Bill No. 75, entitled "An act to incorporate the Marble Falls Town Company;"

House Bill No. 31, "An act incorporting the Kansas Educational Assocation of the Methodist Episcopal Church," with an amendment, viz.: In section seven, before the word "five," insert the word "twenty," so as to read "twenty-five;"

House Bill No. 77, "An act to incorporate the town of Otter, in the county of Marshall, Territory of Kansas;"

House Bill No. 90, "An act to incorporate the Battle Hill Association;"

House Bill No. 111, "An act to regulate the fees of grist mills, and prescribing the duties of millers;"

House Bill No. 85, "An act to incorporate the Pleasant Valley Town Company;"

House Bill No. 84, "An act to incorporate the Georgetown Town Company;"

House Bill No. 65, "An act to incorporate the Capiona Town Company;"

House Bill No. 46, "An act to authorize the formation of voluntary associations;"

House Bill No. 25, "An act to incorporate the Cambridge Town Company;"

House Bill No. 96, "An act to incorporate the Mound City Association;"

House Bill No. 83, "An act to incorporate the Holton Town Company;"

House Bill No. 339, "An act extending time to John H. Tate, late sheriff of the county of Linn, for the collection of taxes in said county."

J. K. GOODIN,
Secretary.

On motion of Mr. Danford,

Council Bill No. 70, entitled "An act to incorporte the Garson Town Company," was referred to the committee on Corporation and Banking.

On motion of Mr. Danford,

Resolved, That the further consideration of local laws be postponed during the daytime, until the work of general legislation is accomplished.

Carried.

Mr. Hanna gave notice that he would, on Monday, introduce a bill, entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in courts of this Territory."

Messrs. Orr and Owens asked and obtained leave of absence until Monday morning.

On motion of Mr. Moore,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, Feb. 1, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Adkins, Appelman, Barber, Bassett, Curtis, Miller, Owens and Stewart.

Mr. Owens absent on leave.

Journal read, corrected and approved.

On motion of Mr. Moore,

Resolved, That the courtesies of the House be extended to the Rev. H. P. Johnson, of the city of Leavenworth, and that he be invited to a seat within the bar of the House.

Carried.

Mr. Shannon, member elect from the 18th Representative district, appeared at the Speaker's stand, was qualified and entered upon the discharge of his duties.

Petitions, memorials and remonstrances being in order,

Mr. Mitchell presented a remonstrance from D. Morris, and sixty-four others, against any change of the county boundaries of Linn county;

Also, a remonstrance from B. Gelstrass, and seventeen others;

Also, from S. B. McGrew, and fifty others:

Also, from A. Frazier, and nine others;

Also, from Pleasant Classwood, and fifty others;

Also, from James J. Tate, and forty others;

Also, J. W. Connelly, and twenty-seven others; all for the same object, and all of which were

Referred to committee on Counties and County lines.

Mr. Bassett presented a petition from Sam. C. Smith, and seventy others, praying for a Territorial road from Wyandott to Quindaro."

Referred to the committee on Public Roads.

Mr. Danford presented a petition from Julia Ann Judson, praying for a divorce and change of name.

Referred to the committee on Judiciary.

Reports of standing committees being in order,

Mr. Jameson, chairman of the committee on Public Roads, made the following report:

Your committee, to whom was referred Council Bill No. 47, entitled "An act to establish a Ferry across the Kansas river, from Wabaunsee to Webster;"

Also, Council Bill No. 27, entitled "An act to authorize certain persons herein named to erect a toll bridge over the Neosho river, at Burlington;"

Also, House Bill No. 342, entitled "An act to incorporate the Kansas City and Neosho Valley Railroad Company;" beg leave to report the same back, without amendment.

The committee, also, report back to the House House Bill No. 72, entitled "An act to incorporate the Elwood, Kennekuk and Fort Riley Railroad Company," having carefully considered the same, beg leave to report that they, by consent of the friends of said bill, substituted, for it, House Bill No. 139, entitled "An act to incorporate the Palermo and Fort Riley Railroad Company."

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back Council Bill No. 85, "An act to incorporate the Manhattan and Kansas river Bridge Company;"

Council Bill No. 59, "An act to incorporate the Ohio City Association;"

Council Bill No. 12, "An act to amend an act to incorporate the Lecompton Town Company;"

Council Bill No. 43, "An act to incorporate the Italia Town Company;"

Council Bill No. 47, "An act to establish a Ferry across the Kansas river, in Kansas Territory, from Wabaunsee, in Richardson county, to Webster, in Pottawattamie county;"

Council Bill No. 28, "An act to incorporate the Cottonwood Falls Town Company;"

Council Bill No. 18, "An act authorzing the building of a toll bridge across Independence creek, Kansas Territory;"

Council Bill No. 21 "An act to establish a Ferry across the Missouri river, at the town of Sumner;"

House Bill No. 102, "An act to incorporate the Padonia Town Company;"

House Bill No. 320, "An act to incorporate the Chesterfield Town Company;"

House Bill No. 325, "An act to incorporate the Waupega Town Company;"

House Bill No. 329, "An act to incorporate the Leavenworth City, Hamlin and Nebraska Railroad Company;"

House Bill No. 264, "An act to incrporate a Hotel Company;"

House Bill No. 310, "An act to incorporate the Osage Bridge Company;"

House Bill No. 312, "An act to charter a Ferry across the Grasshopper river;"

House Bill No. 354, entitled "An act to incorporate the Cottonwood Bridge Company;"

House Bill No. 256, entitled "An act giving validity to a certain class of contracts;"

House Bill No. 330, entitled "An act to confine the corporate authorities of Manhattan City;"

House Bill No. 316, entitled "An act to incorporate the Bozarius Town Company;"

House Bill No. 336, entitled "An act to incorporate the Corydon Town Company;"

House Bill No. 309, entitled "An act to incorporate the Kossuth Town Company;"

House Bill No. 335, entitled "An act to incorporate the Kasauga Town Company;"

House Bill No. 307, entitled "An act to incorporate the Cleveland Town Company;"

House Bill No. 306, entitled "An act to incorporate the Buffalo Town Company;"

House Bill No. 327, entitled "An act to incorporate the Bath Town Company.""

House Bill No. 217, entitled "An act to incorporate the Bloomington Town Company;"

House Bill No. 73, entitled "An act to incorporate Geary City."

Mr. Moore, chairman of the committee on Judiciary, reported back Council Bill No. 77, entitled "An act to provide for the punishment of offenses against private property;"

Also, Council Bill No. 92, entitled "An act to repeal an act entitled 'An act to charter the city of Lawrence;'"

Also, Council Bill No. 16, entitled "An act to define the several judicial districts of the Territory of Kansas;"

Also, House Bill No. 346, entitled "An act defining misdemeanros, and prescribing punishment therefor;"

Also, House Bill No. 343, entitled "An act declaring certain persons privileged from arrest in civil process;"

Also, House Bill No. 259, entitled "An act defining the boundaries of the judicial districts, and prescribing the time and places of holding Courts therein," without amendment.

Mr. Delong, chairman of committee on Agriculture, reported back House Bill No. 349, entitled "An act regulating enclosures," without amendment;

Also, House Bill No. 223, entitled "An act concerning the destruction of Wolves;" and beg leave to report a substitute, and ask that it be printed.

Mr. Speer, chairman of the committee on Elections, introduced Bill No. 351, entitled "An act to provide for the manner of holding Elections;"

Also, House Bill No. 352, entitled "An act to provide for contested Elections;"

Also, Bill No. 353, entitled "An act to preserve the purity of Elections;" which were

Ordered to be printed.

Mr. Barry, introduced Bill No. 354, entitled "An act to establish a Territorial road from Council Grove to Kansas City;"

Also, Bill No. 355, entitled "An act to establish a Territorial road from Fort Riley, via Kansas Falls, to the Saline Forks;"

Also, Bill No. 356, entitled "An act to establish a Territorial road from Riley city to Kansas Falls," which were

Referred to committee on Public Roads.

Mr. Wheeler introduced Bill No. 357, entitled "An act to incorporate the Wayland University."

Referred to the committee on Corporations and Banking.

Mr. Danford introduced Bill No. 358, entitled "An act to grant a divorce and change the name of Julia Ann Judson."

Mr. Cooper introduced Bill No. 359, entitled "An act in relation to Constables;"

Also, Bill No. 360, entitled "An act in relation to Justices of the Peace;" which were

Referred to the committee on Judiciary.

Mr. Mitchell introduced Bill No. 361, entitled "An act to incorporate the Neosho Valley and Jefferson City Railroad Company."

Mr. Lockhart introduced Bill No. 362, entitled "An act authorizing and regulating arbitrations."

Referred to a select committee of three, consisting of Messrs. Hanna, Elliott and Moore.

Also, Bill No. 363, entitled "An act to regulate descent and distribution;"

Also, Bill No. 364, entitled "An act regulating the sale of poisons;"

Also, Bill No. 366, entitled "An act concerning labor;"

Also, Bill No. 365, entitled "An act relating to Executors and Administrators;"

Also, Bill No. 367, entitled "An act relating to Dower."

Also, Bill No. 368, entitled "An act concerning Partnerships."

Also. Bill No. 369, "An act concerning Divorce and Alimony."

Also, Bill No. 370, entitled "An act for the maintenance and support of Illegitimate Children."

Also, Bill No. 371, entitled "An act relating to Guardians."

Also, Bill No. 372, entitled "An act concerning Cemetery Associations."

Also, Bill No. 373, entitled "An act concerning nuisances."

Also, Bill No. 374, entitled "An act fixing the age of majority," which were

Referred to the committee on Judiciary.

On motion of Mr. Hanna,

House Bill No. 364, entitled "An act regulating the sale of poisons," was

Referred to a select committee of three.

The Speaker appointed Messrs. Hanna, Elliott and Morrill said committee.

Mr. Moore introduced Bill No. 375, entitled, "An act authorizing and regulating arbitrations and awards."

Mr. Seymour introduced Bill No. 377, entitled "An act defining the powers and duties of Justices of the Peace and Constables in criminal cases."

Also, Bill No. 378, entitled "An act regulating proceedings in civil cases before Justices of the Peace," which were

Referred to the committee on Judiciary.

Mr. Curtis introduced Bill No. 376, entitled "An act to incorporate the Geneva Town Company."

Referred to committee on Corporations and Banking.

On motion by Mr. Hanna,

The following bills were read a second and third time, and

Passed.

Council Bill No. 27, entitled "An act to authorize certain persons to erect a toll bridge on the Neosho river, at Burlington, Kansas Territory."

Council Bill No. 7, An act repealing an act entitled "An act to authorize Courts and Judges to admit bail in certain cases."

Also, Council Bill No. 5, entitled "An act to incorporate Grasshopper Bridge Company."

Council Bill No. 3, "An act repealing An act to punish offenses against slave property."

Council Bill No. 36, entitled "An act to incorporate the Eldodorado Town Company."

Council Bill No. 35, entitled "An act to incorporate the Fall River Town Company."

Council Bill No. 18, entitled "An act for the building of a toll bridge across Independence Creek."

Council Bill No. 19, entitled "An act to incorporate the Jamestown Town Company."

Council Bill No. 12, entitled "An act to amend an act to incorporate the Lecompton Town Company."

Council Bill No. 47, entitled "An act to establish a ferry across the Kansas River."

Council Bill No. 28, entitled "An act to incorporate the Cottonwood Falls Company."

Council Bill No. 85, entitled "An act to incorporate the Manhattan and Kansas river Bridge Company."

Council Bill No. 59, entitled "An act to incorporate the Ohio City Association."

On each of these several bills, the question "Shall the bill pass?" was decided in the affirmative, and

The titles agreed to.

On motion of Mr. Hatterscheidt,

Resolved, That the courtesies of the House be extended to Judge Perkins, and that he be invited to a seat within the bar of the House.

Carried.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back House, Bill No. 73, entitled "An act to incorporate Geary City."

On motion of Mr. Wheeler,

The rules were suspended, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Jameson,

House Bill No. 19, entitled "An act to establish a ferry across the Missouri river, at Palermo," was made the special order for two o'clock P. M.

Message from the Council:

MR. SPEAKER: —I am directed by the Council to inform the House of Representatives of the passage of the following concurrent resolutions, respectfully asking the concurrence of your honorable body therein:

Resolved, By the Council, (the House of Representatives concurring,) That A. G. Patrick, on the part of the Council, and two persons on the part of the House, to be by the House of Representatives designated, be and the same are hereby appointed a committee to examine and report the list of bills of a general character already introduced in either branch of the Legislative Assembly, and to prepare an additional list of such as may be necessary yet to be framed, to complete the code; also, to examine the code of laws passed at the former sessions of the Legislature, and report upon such as may be worthy of adoption, with a view to embrace in a single volume the entire statutes of the Territory.

J. K. GOODIN,
Secretary.

House concurred.

Speaker appointed Messrs. Wheeler and Bassett said committee.

Mr. Mitchell offered the following resolution:

Resolved, That the House will not entertain a proposition to make a general change in county boundaries at the present session.

Mr. Stratton moved to lay the resolution on the table, and called for the ayes and noes.

Ayes were Messrs. Cooper, Elliott, Hanna, Jameson, McClure, Reynard, Still, Stratton—8.

Noes were Messrs. Barry, Bassett, Badger, Brock, Bennett, Columbia, Curtis, Danford, Graham, Hatterscheidt, Jenkins, Keller, Lockhart, Morrill, Moore, Mitchell, Orr, Pennock, Speer, Seymour, Stewart, Wheeler, Zinn—23.

Thirty-one votes: Ayes—8; Noes—23.

The motion was lost.

Mr. Speer offered the following, as a substitute:

Resolved, That this House will entertain that special change in county lines as shall make them conform to township lines, and conduce to the general convenience of the people.

Mr. Mitchell moved to lay the substitute on the table, which was

Carried.

The question being upon the original resolution, it was moved that the consideration of the resolution be made the special order for to-morrow, at seven o'clock P. M.

Carried.

On motion of Mr. Graham,

Resolved, That the courtesies of the House be extended to Rev. L. B. Dennis, and that he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Bassett,

Resolved, That the sergeant-at-arms be allowed leave of absence for this afternoon, and that R. W. Eddy be appointed to act in his stead.

Carried.

On motion of Mr. Moore,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Hanna introduced Bill No. 379, entitled "An act containing several provisions regarding landlords and tenants, lessors and lessees;"

Also, Bill No. 380, entitled "An act concerning the assignment of judgments and deeds;"

Also, Bill No. 381, entitled "An act to revise, simplify and abridge the rules, practice and pleading and forms in criminal actions in courts of the Territory of Kansas;" which were

Referred to committee on Judiciary.

Message from the Council:

MR. SPEAKER:—I have the honor to inform of the passage, by the Council, of House Bill No. 60, entitled "An act to incorporate the Lecompton Ferry Company," with an amendment, adding "Section 3. The Legislature of this Territory may, at any time hereafter, amend, alter, modify or repeal this act."

Also, House Bill No. 68, "An act to amend an act entitled 'An act to incorporate the city of Palermo.'"

Also, House Concurrent Resolutions relative to School Funds.

J. K. GOODIN,
Secretary.

On motion of Mr. Danford,

Resolved, That the reports on the Atchison election frauds be made the special order for 7 o'clock this evening, provided the report be ready and that the committee have leave to retire to prepare the report.

Carried.

Mr. Stratton, chairman of the committee on Counties and County Lines, made the following report:

I am directed by the committee to report back to the House, House Bill No. 281, entitled "An act to repeal certain acts therein named."

On motion of Mr. Cooper,

House Bill No. 281, entitled "An act to repeal certain acts therein named," was made the special order for 7 o'clock this P. M., provided the report of the committee on the Atchison election frauds should not be ready to report.

Carried.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Appelman in the chair, for the consideration of House Bill No· 172, entitled "An act touching the marriage relation and incident thereto;"

Also, House Bill No. 175, entitled "An act protecting the rights of Married Women."

The committee arose, and, through the chairman, reported back a substitute for both bills, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Moore,

Rule 49 was suspended and

The bill read a second time.

On motion of Mr. Hanna,

The rules were suspended, and

The bill passed to the third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

The House refused to concur in the following amendment:

"Sec. 3. The Legislature of this Territory may, at any time hereafter, amend, alter, modify or repeal this act," of the Council to House Bill No. 60, entitled "An act to incorporate the Lecompton Ferry Company."

The Council was notified of the non-concurrence.

On motion of Mr. Mitchell,

House Bill No. 75, entitled "An act to incorporate the Marble Falls Town Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Miller,

House Bill No. 76, entitled "An act to incorporate the Marietta Town Company, in Marshall county," was taken up, and

Read a third time and

Put upon its final passage.

The question " Shall the bill pass ? " was decided in the affirmative, and

The title greed to.

On motion of Mr. Mitchell,

House Bill No. 97, entitled "An act to remove the county seat of Johnson county from Shawnee to Olathe"—

On motion of Mr. Stratton,

Further action on the bill was postponed until after the report from the committee on Counties and County Lines.

On motion of Mr. Morrill,

House Bill No. 100, entitled "An act to incorporate the Seneca Town Company," was taken up, and

Read a second time.

On motion,

The rules were suspended.

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question " Shall the bill pass ? " was decided in the affirmative, and

The title agreed to.

On motion of Mr. Morrill,

House Bill No. 101, entitled "An act to incorporate the Sabetha Town Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Morrill,

House Bill No. 102, entitled "An act to incorporate the Padonia Town Company," was taken up, and

Read a second time.

On motion of Mr. Moore,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Morrill,

House Bill No. 104, entitled "An act to incorporate the Osage City Association," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Jameson,

House Bill No. 108, entitled "An act to incorporate the White Cloud City Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative.

The title agreed to.

On motion of Mr. Jameson,

House Bill No. 109, entitled "An act to authorize Ozius Bailey and Cornelius Dorland to keep a Ferry across the Missouri river at White Cloud, Doniphan county," was taken up, and

Read a second time.

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

House Bill No. 57, entitled "An act to compel the delivery of books and papers, by public officers," was taken up, and

Indefinitely postponed.

On motion of Mr. Hatterscheidt,

House Bill No. 66, entitled "An act to incorporate the Humboldt Town Company," was taken up, and

Read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 113, entitled "An act to incorporate the Superior Town Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill ~~pass~~?" was decided in the affirmative, and

The title was agreed to.

On motion of Mr. Graham,

House Bill No. 115, "An act to incorporate the Wilmington Seminary," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 116, entitled "An act to incorporate the Clayton Town Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was agreed to.

On motion of Mr. Danford,

House Bill No. 122, entitled "An act in relation to the Kanses River Bridge Company," was taken up, and

Read the third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Speer,

House Bill No. 123, entitled "An act to incorporate the Prairie City and State Line Railroad Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Jameson,

The House resolved itself into Committee of the Whole, Mr. Orr in the chair, for the consideration of House Bill No. 138, entitled "An act to establish and charter a Ferry at the city of Elwood."

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred, and,

On motion,

The rules were suspended, and

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Graham,

House Bill No. 145, entitled "An act to incorporate the Pardee Seminary," was read a second time, and,

On motion,

The rules were suspended, and

The bill read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 148, entitled "An act to incorporate the Marmaton Town Company," was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

House Bill No. 149, entitled "An act to provide for the taking effect of laws," was read a second time, and,

On motion,

The rules were suspended and

The bill passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The question " Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Mitchell,

House Bill No. 151, entitled "An act incorporating the Spring Grove Town Company," was taken up, and

Read a third time, and

Put upon its final passage.

The question " Shall the Bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

House Bill No. 153, entitled "An act to establish a ferry in Jefferson county, opposite Lawrence," was taken up and

Read a third time and

Put upon its final passage.

The question " Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 154, entitled "An act to incorporate the Charleston Town Company, in Washington oounty, K. T.," was read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question " Shall the bill pass? " was decided in the affirmative, and

The title agreed to.

On motion of Mr. Speer,

House Bill No. 156, entitled "An act to prohibit lotteries, raffles, gift enterprises, and schemes of like character," [was taken up.]

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question " Shall the bill pass?" was decided in the affirm-affirmative, and

The title agreed to.

On motion,

House Bill No. 164, "An act to incorporate the Mapleton Town Company," was read a third time, and

Put upon its final passage.

The question " Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 165, entitled "An act to amend an act to incorporate the city of Lecompton," was read a second time, and,

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 166, entitled "An act to establish a ferry at the town of Douglas," [was taken up] and,

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 167, entitled "An act to incorporate the Springfield Town Company," was read a second time.

Bill considered engrossed.

Rules suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 169, entitled "An act to incorporate the Liberty Town Company," was

Read a second time, and,

On motion,

The bill was considered engrossed.

The rules suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 176, entitled "An act to authorize James Tooley to keep a ferry across the Kansas river," was

Read a second time, and,

On motion,

The bill was considered engrossed

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 177, entitled "An act to incorporate the Muscotah Town Company," was

Read a second time, and,

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 178, entitled "An act to incorporate the City of Atchison," was

Read a second time, and,

On motion,

The bill considered engrossed.

Rules suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

House Bill No. 185, entitled "An act to incorporate the Batcheler Town Company," was

Read a second time, and,

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER: —I am directed by the Council to inform your honorable body that the Council have refused to concur in House amendment to House Bill No. 41, entitled "An act to provide for an election of delegates to a convention to form a State constitution," and present you the following extracts from the journal of the Council: "That the Council do not agree to the amendments made by the House to the thirteenth section, making Topeka the place for the assembling of the convention, but insist upon their amendment making Lawrence such place."

J. K. GOODIN,
Secretary.

On motion of Mr. Bassett,

Resolved, By the House of Representatives, that we will adhere to our amendment to House Bill No. 41, and that a committee of conference be appointed, consisting of three members of the House and two of the Council (the Council concurring,) to take the amendments into consideration, and report at an early day.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. Morrill in the chair, for the consideration of House Bill No. 346, entitled "An act in relation to misdemeanors."

The committee arose, and, through the chairman, reported back the bill, and recommended its recommittal to the Committee on Judiciary, and asked the concurrence of the House.

The House concurred.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 270, entitled "An act in relation to County Auditors."

Mr. Moore in the chair.

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House therein.

The House concurred.

On motion of Mr. Cooper,

The bill was read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Mitchell introduced Bill No. 382, entitled "An act to incorporate the Kansas Falls Water Power and Manufacturing Company;"

Also, Bill No. 383, entitled "An act to incorporate the Kansas Falls Bridge Company."

Mr. Pennock introduced Bill No. 384, entitled "An act to provide for the inspection of certain articles."

On motion of Mr. Cooper,

House Bill No. 341, entitled "An act concerning trusts and powers," was

Recommitted to committee on Judiciary.

On motion of Mr. Moore,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Danford, chairman of the special committee, to whom was referred the contested election of Atchison county, submitted the additional testimony taken, as their report.

Mr. Mitchell moved that the committee have longer time, and be instructed to make a full report concerning the whole case.

Lost.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. Curtis in the chair, for the consideration of the report of the special committee.

The committee arose, and, through the chairman, reported the following resolutions as a substitute for the majority and minority reports:

WHEREAS, We have heard all the testimony taken and introduced before the body, in the case of Archibald Elliott against W. P. Badger; therefore,

Resolved, That it is the judgment of this House, based upon the testimony introduced in the case of Archibald Elliott, contestant for the seat now occupied by W. P. Badger, of the county of Atchison, that he, the said Badger, did not receive a majority of the legal votes polled at the said election, for Representative in said county, and that, therefore, he is not entitled, of right, to a seat in this body as the duly elected Representative from said county.

Resolved, That Archibald Elliott, the contestant for the seat now occupied by W. P. Badger, did receive a majority of the legal votes polled at said election, in said county of Atchison, and that, therefore, he is entitled to a seat in this body, and is the duly elected Representative for said county.

Resolved, That we do hereby, from the evidence, entirely exculpate the said W. P. Badger from any participation in the fraud in said election; that we believe the same to have been committed without his knowledge or consent, and that he be allowed the usual per diem and mileage for the time he has occupied his seat in this body.

Archibald P. Elliott, being declared a member elect of this House, came to the Speaker's stand, and, being duly sworn, entered upon the discharge of his duties.

On motion of Mr. Moore,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, Feb. 2, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the chaplain.

Roll called.

Absent—Messrs. Adkins, Barber, Curtis, Jenkins, Keller, Pennock, Stewart and Wheeler.

On motion of Mr. McClure,

Resolved, That the printing of the journal be dispensed with, during the remainder of the session.

Carried.

On motion of Mr. Cooper,

Resolved, That the courtesies of the House be extended to W. P. Badger, of Atchison, and that he be admitted to a seat within the bar of the House.

Carried.

Journal read, corrected and approved.

Petitions, memorials and remonstrances being in order,

Mr. Bennett presented the remonstrance of Newman Connelly, and others;

Also, from C. B. Keith, and others, against a change of boundary lines of the county of Atchison.

Referred to committee on Counties and County lines.

Mr. Appelman presented the petition of J. R. Griffith, and others, praying for a Territorial road from Lawrence to Centropolis, via Willow Springs.

Referred to the committee on Counties and County Lines.

Mr. Morrill presented the petition of Orvill Root, and others, praying for a Territorial road from White Cloud to Marysville.

Referred to the Committee on Public Roads.

Mr. Moore presented the petition of the Vestry of St. Paul's Parish, Leavenworth City.

Referred to the committee on Corporations and Banking.

Also, the bill of A. B. Hazzard, acting for the superintendent of public printing.

Mr. Curtis presented the petition of A. Johnson, and others, against any alterations in the county lines of Franklin county.

Referred to Committee on Counties and County Lines.

Mr. Seymour presented the petition of N. S. Millner, and three hundred and forty others, praying for the county seat of Johnson county to be located at the town of Monticello.

Referred to the committee on Counties and County Lines.

Mr. Elliott, of Atchison, presented the petition of D. D. Gave, and seventy others, praying for the removal of the county seat from Atchison to Sumner.

Referred to the committee on Counties and County Lines.

Resolutions and notices being in order,

Mr. Barry gave notice that he would, on a subsequent day, introduce a bill in relation to Lunatics and Habitual Drunkards.

Reports of standing committees being in order,

Mr. Moore, chairman of the committee on Judiciary, reported the following bills:

House Bill No. 375, entitled "An act authorizing and regulating arbitrations and awards;"

Also, House Bill No. 369, entitled "An act concerning Divorce and Alimony;"

Also, House Bill No. 371, entitled "An act relating to Guardians;"

Also, House Bill No. 359, entitled "An act in relation to Constables;"

Also, House Bill No. 379, entitled "An act containing several provisions regarding Landlords, Tenants, Lessors and Lessees;"

Also, House Bill No. 374, entitled "An act concerning partnerships:"

Also House Bill No. 380, entitled "An act concerning the assignments of Judgments and Dower;"

Also, House Bill No. 376, entitled "An act for the maintenance and support of Illegitimate Children;"

House Bill No. 381, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal action in courts of the Territory;" without amendment.

Also, House Bill No 387, entitled "An act relating to dower," recommitted to the committee on Judiciary.

Also, House Bill No 372, entitled "An act concerning County Associations," and recommend indefinite postponement.

House Bill No. 362, entitled "An act regulating arbitrations," and report a substitute.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back to the House House Bill No. 361, entitled "An act to incorporate the Neosho Valley and Jefferson City Railroad Company;"

House Bill No. 383, entitled "An act to incorporate the Kansas Falls Bridge Company;"

House Bill No. 382, entitled "An act to incorporate the Kansas Falls Water Power and Manufacturing Company," without amendment;

Also, House Bill No. 103, entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company;"

House Bill No. 140, entitled "An act to incorporate the Elwood and Wathena Plank and Macadamized Road Company," with amendments.

Mr. Jameson, chairman of the committee on Public Roads, reported back the following bills:

House Bills Nos. 314, 321, 378, 320, 277, 232, 279, 301, 173.

Also, petitions for roads from Wyandott to Quindaro; from

White Cloud to Marysville; from Camrell's Lane to Patterson's Station; from Leavenworth to Palmetto; from Sumner to Republican Fork; from Lawrence to Ashland.

The committee beg leave to report that they have incorporated all of the above bills and petitions, in Bill No. 387, entitled "An act to locate and establish Territorial roads," and recommend that they be stricken from the docket.

They, also, report back House Bill No. 314, entitled "An act defining certain duties of Supervisors of Roads and Highways," with amendments;

Also, House Bill No. 303, entitled "An act to establish and charter a Ferry at the city of Kickapoo;"

Also, Council Bill No. 18; your committee have substituted for it House Bill No. 105, entitled "An act to authorize Jacob N. McCall, Egbert M. Lee and others, to build a bridge across Independence Creek."

Mr. Moore introduced Bill No. 385, entitled, "An act to incorporate the St. Paul's Episcopal Church in Leavenworth City."

Referred to the committee on Corporations and Banking.

Mr. Speer introduced Bill No. 383, entitled "An act to authorize the county of Douglas to borrow money."

Referred to the Committee of Ways and Means.

Mr. Jameson introduced Bill No. 387, entitled "An act to establish and locate a Territorial road;"

Mr. Barry, introduced Bill No. 388, entitled "An act to establish a Ferry on the Republican river;" which were

Referred to the committee on Public Roads.

Mr. Jenkins introduced Bill No. 389, entitled "An act regulating Enclosures."

Referred to committee on Agriculture.

Also, Bill No. 390, entitled "An act to establish a Ferry across the Kansas river at the town of St. George."

Referred to the committee on Public Roads.

Mr. Still introduced Bill No. 391, entitled "An act to incorporate the New York City Company;"

Mr. McClure introduced Bill No. 392, entitled "An act to incorporate the Sumner University;"

Mr. Curtis introduced Bill No. 393, entitled "An act to incorporate the Nashville Town Company;"

Mr. Wheeler introduced Bill No. 394, entitled "An act to incorporate the Eagle City Company;" which were

Referred to the committee on Corporations and Banking.

Mr. Graham introduced Bill No. 395, entitled "An act to authorize C. C. Beebe to keep a Ferry across the Slough, to Rush Island, in Doniphan county."

Referred to committee on Public Roads.

Mr. Seymour introduced Bill No. 396, entitled "An act to incorporate the McCamish Town Company."

Referred to the committee on Corporations and Banking.

Also, Bill No. 397, entitled "An act establishing the office of County Treasurer, and defining the duties thereof."

Referred to the committee on Counties and County Lines.

Mr. Appelman introduced Bill No. 398, entitled "An act to establish a Territorial road from Lawrence to Centropolis, via Willow Springs."

Referred to the committee on Public Roads.

Mr. Stewart introduced Bill No. 399, entitled "An act to incorporate the Elwood Town Company."

Referred to committee on Corporations and Banking.

Mr. Wheeler introduced Bill No. 400, entitled "An act to incorporate the Petersburg Joint Stock Company."

Referred to the committee on Corporations and Banking.

Mr. Elliott, of Leavenworth, introduced Bill No. 401, entitled "An act to provide, more effectually, securing pre-emption rights of deceased persons;"

Also, Bill No. 402, entitled "An act for the recording of duplicate warrants, and evidence of purchase of Public Lands;" which were

Referred to the committee on Judiciary.

Mr. Still gave notice that he would, on a subsequent day, introduce a bill to provide for the erection of a monument over the martyrs of freedom in the Territory of Kansas.

Message from the Council:

Mr. Speaker:—I have the honor to inform that the Council have concurred in House resolution, relative to Committee of Conference on amendment to House Bill No. 41, "An act providing for delegate convention," &c., and appointed Messrs. Mead and Holliday as members on the part of the Council.

J. K. GOODIN,
Secretary.

Mr. Speaker:—I am directed to inform that the Council have passed Council Bill No. 98, "An act to incorporate the Shell Rock Falls Town Company."

Council Bill No. 30, "An act legalizing the Registry of Deeds for the city of Topeka."

Council Bill No. 100, "An act to incorporate the Wyandott Company."

Council Bill No. 106, "An act to restrain dueling."

Council Bill No. 54, "An act to incorporate Leavenworth City Water Works Company."

House Bill No. 60, "An act to incorporate the Lecompton Ferry Company," the Council insisting on Council amendment to said bill

House Bill No. 170, "An act repealing an act to incorporate the Kansas Valley Bank."

House Bill No. 73, "An act to incorporate Geary City," with one amendment in section one.

J. K. GOODIN,
Secretary.

Were referred to their appropriate committees.

On motion of Mr. Wheeler,

The House concurred in Council amendment to House Bill No. 73, entitled "An act to incorporate Geary City."

On motion of Mr. Cooper,

Resolved, That the House adhere to its determination to strike out the amendment to House Bill No. 60: "This act shall be subject to alteration or repeal by any future Legislature," and ask that a Committee of Conference be appointed, to consist of three members of the House and two members of the Council.

Carried.

The Speaker appointed, on the part of the House, Messrs. Cooper, Appelman and Shannon said committee.

Message from the Council:

MR. SPEAKER:—I have the honor to inform you that the Council have passed Council Bill No. 38, entitled "An act to establish and charter a ferry across the Missouri river at Wyandott," the objections of the Acting Governor to the contrary notwithstanding.

The objections of the Governor were read, and,

On motion of Mr. McClure,

The vote on the passage of Council Bill No. 38, entitled "An act to establish and charter a ferry across the Missouri river at Wyandott," was reconsidered, and

Put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The question "Shall the bill pass?" was decided by the following vote:

Ayes and noes were called.

Ayes were Messrs. Barber, Barry, Bassett, Brock, Cooper, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, McClure, Mitchell, Orr, Pennock, Shannon, Spee, Seymour, Still, Stratton, Wheeler—24.

Noes—Messrs. Appelman, Bennett, Columbia, Morrill, Owens, Stewart, Zinn—7.

Whole number of votes 31—24 in the affirmative and 7 in the negative.

Necessary to a choice, 22.

The bill passed by a majority in compliance with the Organic Act, and became a law upon its passage.

On motion of Mr. Danford,

House Bill No. 358, entitled "An act to grant a divorce and change the name of Julia Ann Judson," was taken up, and

Read a second time.

On motion of Mr. Mitchell,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" the ayes and noes were called.

Ayes—Messrs. Appelman, Barber, Basset, Brock, Columbia, Curtis, Danford, Elliott, of Atchison, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—26.

Noes—Messrs. Barry, Cooper, Elliott, of Leavenworth, Hanna, Morrill, Orr, Shannon—7.

Twenty-six in the affirmative and seven in the negative.

The bill passed, and

The title agreed to.

Mr. Keller asked and obtained leave to introduce Bill No. 403, entitled "An act to remove the county seat of Marshall county," which was

Referred to the committee on Counties and County Lines.

On motion of Mr. Moore,

House Bill No. 225, entitled "An act for the selection of jurors and the empannelling of juries in the probate courts," was made the special order for two o'clock P. M.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, Mr. Danford in the chair, for the consideration of House Bill No. 250, entitled "An act relating to fugitives from justice."

The committee arose, and, through the chairman, reported back the bill to the House, with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Moore,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Jameson,

Resolved, That the courtesies of the House be extended to D.

S. Lusk, W. L. Lewis and G. W. Robertson, and that they be invited to a seat within the bar of the House.

Carried.

Mr. Cooper introduced Bill No. 404, entitled "An act to incorporate the Dansburg Town Company, in Marshall county."

Mr. Elliott, of Leavenworth, introduced Bill No. 405, entitled "An act to incorporate the Phillips Town Company;"

Also, Bill No. 406, entitled "An act to incorporate the Farmington Town Company;"

Also, Bill No. 407, entitled "An act to incorporate the New Sharon Town Company;" which were

Referred to the committee on Corporations and Banking.

On motion of Mr. Cooper,

The House resolved itself into Committee of the Whole, Mr. McClure in the chair, for the consideration of House Bill No. 225, entitled "An act to regulate the selection of jurors and the empanneling of juries in the probate court," which was made the special order for two o'clock P. M.

The committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

The House concurred in the report of the Committee.

On motion of Mr. Cooper,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Mitchell, chairman of the committee on Conference, made the following report:

To the Speaker of the House of Representatives:

The joint committee of conference, after repeated ballotings, having failed to arrive at any conclusion, respectfully ask that two more members may be added to the committee on the part of the House, and an additional one on the part of the Council.

Your committee would also ask that instructions may be given them, as to whether the committee are authorized to determine upon the place for the convention and the General Assembly, or only for the convention alone.

R. B. MITCHELL,
Chairman of Joint Committee.

Mr. Bassett moved that the report of the committee be agreed to, and that they be instructed to name the place of holding the convention and first State Legislature under the constitution.

Mr. Elliott, of Leavenworth, moved that the committee be instructed to name the place of holding the Convention, only.

Carried.

The Speaker appointed, as additional members of the committee, Messrs. Bassett and Morrill.

On motion of Mr. Stratton,

Chairman of committee on Counties and County Lines, obtained leave to postpone their report until Thursday, at seven P. M.

Mr. Hanna asked and obtained leave to introduce Bill No. 408, entitled "An act to remove and permanently locate the seat of Government."

On motion of Mr. Morrill,

The Bill was made the special order for seven P. M., Wednesday, and

Referred to the committee on Judiciary.

On motion of Mr. Jameson,

House Bill No. 139, entitled "An act to incorporate the Elwood, Palermo and Fort Riley Railroad Company," was taken up.

Rules suspended, and

Read a second time.

On motion,

The rules were suspended.

The bill considered engrossed, and

Read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

The rules were suspended, and

House Bill No. 103, entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company," was

Read a second time, and

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

The following bills were read a second and third time and

Passed.

House Bill No. 189, "An act to incorporate the Eldridge Town Company;"

House Bill No. 191, "An act to incorporate the Sanfoxie Town Association;"

House Bill No. 192, "An act to incorporate the Otsego Town Association;"

House Bill No. 193, "An act to incorporate the Unadilla Town Company;"

House Bill No. 200, "An act to incorporate the Chelsea Town Company;"

House Bill No. 203, "An act to incorporate the Chester Town Company;"

House Bill No. 204, "An act to incorporate the Kaskaskia Town Company;"

House Bill No. 210, "An act to incorporate the Kickapoo Town Association;"

House Bill No. 212, "An act to incorporate the Kansas Center Town Company;"

House Bill No. 214, "An act to incorporate the Kennekuk Town Association;"

House Bill No. 215, "An act to incorporate the Kansas Central Railroad Company;"

House Bill No. 219, "An act to incorporate the White Cloud, Manhattan and Fort Riley Railroad Company;"

House Bill No. 226, "An act to incorporate the Tamoqua Town Association;"

House Bill No. 236, "An act to incorporate the Hamlin City Association,"

House Bill No. 249, "An act repealing an act concerning Patrols;"

House Bill No. 250, "An act relative to fugitives from justice."

On motion of Mr. Danford,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

WEDNESDAY, February 3, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Jameson and Wheeler.

Journal read and approved.

Petitions, memorials and remonstrances being in order,

Mr. Curtis presented the petition of H. J. Espey and seventy-three others, citizens of Wise county, praying against any alteration in the boundary lines of said county.

Mr. Stratton presented a remonstrance from D. Adams and forty-five others, against the alteration of the boundary lines of Butler county;

Also, from G. Griffith and twelve others against the change of lines of Madison county;

Also, from W. Dolman and eight others, on the same subject;

Also, from Wm. Shockey and thirty others, for the same purpose.

Mr. Seymour presented a petition from O. B. Gardner and sixty-six others, praying for the extending of the county lines of Johnson county, and locating the county seat at Gardner.

Also, from W. N. Sheer, and fourteen others, for the same purpose;

Also, from D. Pickering, of the Council, for the same purpose;

Also, from Wm. Holmes, and forty-two others, on the same subject, which were

Referred to the committee on Counties and County Lines.

Mr. Speer presented a petition from Mary B. Myers, praying for divorce.

Referred to the committee on Judiciary.

Reports of standing committees being in order,

Mr. Mitchell, chairman of the committee on Corporations and Banking reported back to the House the following bills:

Council Bill No. 42, "An act entitled 'An act to incorporate the Lane City Association;"

Also, House Bill No. 203, entitled "An act to incorporate the Columbus City Association;"

House Bill No. 211, entitled "An act to incorporate the Marmiton Town Company;"

House Bill No. 258, entitled "An act to incorporate the Baker University;"

House Bill No. 350, entitled "An act to incorporate the Kansas Telegraph Company;"

Council Bill No. 52, entitled "An act to incorporate the City of Tecumseh;" without amendment.

Also, House Bill No. 18, entitled "An act to incorporate the De Soto Ferry Company;"

Council Bill No. 60, entitled "An act to change the name of Roseport to Elwood, and to incorporate the Elwood Town Company;" with amendments.

Mr. Moore, chairman of the committee on Judiciary, reported back to the House the following bills:

House Bill No. 373, entitled "An act concerning nuisances;"

House Bill No. 401, entitled "An act to provide, more effectually, for securing pre-emption rights of deceased persons;"

House Bill No. 364, entitled "An act regulating the sale of Poisons;"

House Bill No. 377, entitled "An act defining the duties of Justice's of the Peace and Cconstables, in criminal cases;"

House Bill No. 408, entitled "An act for the permanent location of the Seat of Government;"

Council Bill No. 30, entitled "An act legalizing the registry of deeds for the city of Topeka;" without amendment.

Also, House Bill No. 242, entitled "An act for the protection of Territorial Lands;" with amendments.

Mr. Jameson, chairman of the committee on Public Roads, reported back to the House the following bills:

House Bill No. 388, entitled "An act to establish a Ferry on the Republican river;

House Bill No. 393, entitled "An act to establish a ferry across the Kansas river at the town of St. George."

House Bill No. 395, entitled "An act to authorize C. Y. Baker to keep a ferry across the slough to Rush Island, in Doniphan county;"

Council Bill No. 31, entitled "An act to establish a ferry at Iowa Point;" without amendment.

Mr. Delong, chairman of the committee on Agriculture and Manufactures, reported back to the House House Bill No. 366, entitled "An act concerning labor;"

House Bill No. 384, entitled "An act for the inspection of certain articles therein named;" without amendment.

Mr. Zinn, chairman of the committee on Vice and Immorality, reported back to the House House Bill No. 408, entitled "An act in relation to crimes and punishments," and recommend that it be referred to the committee on Judiciary.

Introduction of new bills being in order,

Mr. Mitchell introduced Bill No. 409, entitled "An act to authorize aliens to hold land, in this Territory, by purchase or otherwise."

Referred to committee on Judiciary.

Also, Bill No. 410, entitled "An act to change the name of Pottawattamie City to that of Mount Gilead, and to incorporate the Mount Gilead Town Company."

Referred to the committee on Corporations and Banking.

Mr. Hanna introduced Bill No. 411, entitled "An act to incorporate the Hyatt Town Company."

Referred to the committee on Corporations and Banking.

Mr. Morrill introduced Bill No. 412, entitled "An act defining the Jurisdiction and Practice of Probate Courts ;

Also, Bill, No. 413, entitled "An act repealing certain acts ;" which were

Referred to the committee on Judiciary.

Also, Bill No. 414, entitled "An act to incorporate the Fond du Lac Town Company."

Mr. Lockhart introduced Bill No. 416, entitled "An act to incorporate the Vineyard Town Company."

Also, Bill No. 417, entitled "An act to incorporate the Burgess Town Company."

Mr. Elliott, of Atchison, introduced Bill No. 418, entitled "An act to incorporate the city of Sumner."

Mr. Stewart introduced Bill No. 419, entitled "An act to incorporate the Ewing College," which were

Referred to committee on Corporations and Banking.

Mr. Keller introduced Bill No. 415, entitled "An act to exempt certain property from sale on execution."

Referred to the committee on Judiciary.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives of the passage, by the Council, of the following bills:

Council Bill No. 147, entitled "An act to incorporate the Big Blue Woolen Manufacturing Company."

Council Bill No. 146, entitled "An act to incorporate the Riley county Wool Stock Growing Company."

Council Bill No. 71, entitled "An act to incorporate the Spring Hill Town Company."

Council Bill No. 144, entitled "An act to incorporate the Saline Smelting and Salt Manufacturing Company."

Council Bill No. 67, entitled "An act to establish a ferry across the Missouri river."

J. K. GOODIN,
Secretary.

On motion of Mr. Keller,

Resolved, That the courtesies of the House be extended to the Rev. Mr. Holmes, and that he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Hanna,

The following bills were taken up, read a second and third time, and

Passed.

House Bill No. 306, entitled "An act to incorporate the Buffalo Town Company."

House Bill No. 307, entitled "An act to incorporate the Cleveland Town Company."

House Bill No. 309, entitled "An act to incorporte the Kossuth Town Company."

House Bill No. 368, entitled "An act concerning partnerships."

House Bill No. 320, entitled "An act to incorporate the Chesterfield Town Company."

House Bill No. 369, entitled "An act in relation to Constables."

House Bill No. 310, entitled "An act to incorporate the Osage Bridge Company."

House Bill No. 283, entitled "An act to incorporate the Claytonville Town Company."

House Bill No. 361, entitled "An act to incorporate the Neosho Valley and Jefferson City Railroad Company."

House Bill No. 316, entitled "An act to incorporate the Bozarias Town Company."

House Bill No. 336, entitled "An act to incorporate the Corydon Town Company."

House Bill No. 342, entitled "An act to incorporate the Kansas City, Osage and Neosho Valley Railroad Company."

House Bill No. 330, An act entitled "An act to confine the corporate authorities of Manhattan City."

House Bill No. 329, entitled "An act to incorporate the Leavenworth City, Hamlin and Nebraska Railroad Company."

House Bill No. 327, entitled "An act to incorporate the Bath Town Company."

House Bill No. 325, entitled "An act to incorporate the Waupego Town Company."

House Bill No. 312, entitled "An act to charter a ferry across Grasshopper Falls."

House Bill No. 289, entitled "An act to incorporate the Maries Town Company."

House Bill No. 280, entitled "An act to incorporate the Union City Town Company."

House Bill No. 264, entitled "An act to incorporate a Hotel Company."

House Bill No. 206, entitled "An act to incorporate the Easton Bridge Company."

House Bill No. 263, "An act to incorporate the Fredonia Town Company."

House Bill No. 293, "An act concerning Bills of Exchange and Promissory Notes."

House Bill No. 252, "An act to incorporate the Central City Town Company,"

House Bill No. 276, "An act to incorporate the Ottawa Town Company."

House Bill No 275, "An act to incorporate the Luella Town Company."

House Bill No. 286, "An act to incorporate the Dover Town Company."

House Bill No. 202, "An act to incorporate the Town Company of the town of Medina."

House Bill No. 303, "An act to establish and charter a ferry at the city of Kickapoo."

House Bill No. 341, "An act concerning trusts and powers."

House Bill No. 256, "An act giving validity to a certain class of contracts."

House Bill No. 254, "An act to incorporate the Cottonwood Bridge Company."

House Bill No. 217, an act entitled "An act to incorporate the town of Bloomington."

House Bill No. 253, "An act to incorporate the Neosho Bridge Company."

House Bill No. 54, an act entitled "An act to locate and establish a Territorial road from Lawrence to Osawatomie, in the Territory of Kansas."

House Bill No. 76, "An act to incorporate the Marietta Town Company," in Marshall county.

House Bill No. 46, "An act authorizing the formation of voluntary associations."

House Bill No. 51, an act entitled "An act for securing liens to mechanics and others."

House Bill No. 344, an act entitled "An act prescribing the duties of supervisors of roads and highways."

House Bill No. 343, "An act declaring certain persons privileged from arrest on civil process."

Mr. Graham moved that the House concur in Council amendment, to wit: In section seven, before the word "five," insert "twenty," to House Bill No. 31, entitled "An act incorporating the Kansas Educational Association or the Methodist Episcopal Church."

Mr. Mitchell called for the ayes and noes, which resulted as follows:

Ayes—Messrs. Barry, Bassett, Brock, Cooper, Elliot, of Leavenworth, Hanna, Jameson, Keller, Morrill, Owens, Orr, Pennock, Reynard, Speer, Stewart, Wheeler—16.

Noes—Messrs. Columbia, Curtis, Danford, Elliott, of Atchison, Hatterscheidt, Jenkins, Lockhart, Moore, McClure, Mitchell, Miller, Shannon, Seymour, Stratton—14.

The motion was adopted.

On motion of Mr. Moore,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Mitchell, chairman of the committee on Corporations and Banking, asked and obtained leave to make the following report:

I am directed by the committee to report back to the House the following bills:

House Bill No. 240, entitled "An act to incorporate the Crittenden Town Company."

House Bill No. 302, entitled "An act to incorporate the Cumberland Town Company."

House Bill No. 341, entitled "An act to incorporate the Annapolis Town Company."

House Bill No. 246, entitled "An act to incorporate the New Hampshire Town Company," with amendments.

House Bill No. 308, entitled "An act to incorporate the Moneka Town Company,"

House Bill No. 285, entitled "An act to incorporate the Waynesburg Town Company," without amendment.

Mr. Stratton asked and obtained leave to introduce Bill. No. 420, entitled "An act to incorporate the Town Company of Cresco."

On motion of Mr. Stratton,

Resolved, That the chief clerk be and is hereby empowered to employ one or more enrolling and engrossing clerks as the case may require.

Carried.

Mr. Hanna moved that the chief clerk be instructed to employ B. F. Simpson as one of such clerks.

Carried.

Mr. Bassett asked and obtained leave to introduce Bill No. 421, entitled "An act to incorporate the Hamburgh Town Company."

Referred to committee on Corporations and Banking.

On motion of Mr. Mitchell,

The House resolved itself into committee of the Whole, Mr. Seymour in the chair, for the consideration of House Bill No. 328, entitled "An act to establish a code of civil procedure."

The committee arose, and, through the chairman, reported back the bill without amendment.

Message on the Speaker's table:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN:—I have this day approved an act entitled "An act to incorporate the Cambridge Town Company."

Also, "An act to incorporate the Marble Falls Town Company, in Marshall county, K. T."

Also, "An act to incorporate the Mound City Town Company."

Also, "An act to incorporate the Helton Town Company;"

Also, "An act to incorporate the Capiona Town Company."

Also, "An act to regulate the toll of Grist Mills, and prescribing certain duties of Millers;"

Also "An act extending time to John H. Tate, late sheriff of the county of Linn, for the collection of Taxes in said county;"

And, also "An act to authorize the formation of voluntary associations."

Feb. 2, 1858. J. W. DENVER.

Mr. Danford asked and obtained leave to introduce Bill No. 422, entitled "An act for the relief of a person therein mentioned."

Referred to the committee on Claims.

On motion of Mr. Cooper,

The following bills were taken up, and read a second and third times, and

Passed.

House Bill No. 132, "An act to incorporate the Little Arkansas Bridge Company;"

House Bill No. 18, "An act to incorporate the De Soto Ferry Company;"

House Bill No. 381, entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms, in criminal actions, in courts in the Territory of Kansas;"

House Bill No. 144, "An act to incorporate the Town of Pardee;"

House Bill No. 225, "An act authorizing the appointment of Commissioners of Deeds in the States and Territories, and prescribing their duties;"

House Bill No. 374, "An act fixing the age of Majority;"

House Bill No. 375, "An act authorizing and regulating arbitrations and awards;"

House Bill No. 380, "An act concerning the assignments of Judgments and Decrees;"

House Bill No. 282, "An act to incorporate the Kansas Falls Water Power and Manufacturing Company;"

House Bill No. 383, "An act to incorporate the Kansas Falls Bridge Company;"

House Bill No. 379, "An act containing several provisions regarding landlords, tenants, lessors and lessees;"

House Bill No. 240, "An act to incorporate the Crittenden Town Company;"

House Bill No. 281, "An act repealing certain acts therein named;"

House Bill No. 370, "An act for the maintenance and support of Illegitimate Children."

On motion of Mr. McClure,

The House resolved itself into Committee of the Whole, Mr. Danford in the chair, for the consideration of House Bill No. 370, entitled "An act for the support and maintenance of Illegitimate Children."

The Committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Moore,

The rules were suspended, and

The bill read a second time.

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER: —I am directed to inform that the Council have concurred in the addition to committee on amendments to House Bill No. 41, relative to a Constitutional Convention, and have appointed Mr. Patrick as an additional member of said committee.

J. K. GOODIN,
Secretary.

Mr. Cooper asked and obtained leave to introduce Bill No. 423, entitled "An act to incorporate a Bridge Company, at Uniontown, across Grasshopper Creek."

Mr. Owens introduced Bill No. 424, entitled "An act to incorporate the Oskaloosa Bridge Company."

Referred to the committee on Public Roads.

Mr. Jameson introduced Bill No. 425, entitled "An act extending time to Samuel V. Jameson, sheriff of Doniphan county, to collect Taxes in said county."

Referred to the committee on Judiciary.

Also, House Bill No. 426, entitled "An act to incorporate the Fulton Town Company;"

Also, Bill No. 427, entitled "An act to incorporate the Wooster Town Company;" which were

Referred to the committee on Corporations and Banking.

Mr. Morrill introduced Bill No. 428, entitled "An act referring to the rights of persons claimed as fugitive slaves;"

Referred to the committee on Judiciary.

Mr. Hatterscheidt introduced Bill No. 429, entitled "An act to incorporate the Bunker Hill Association;"

Referred to committee on Corporations and Banking.

On motion of Mr. Moore,

Resolved, That the courtesies of the House be extended to Messrs. Kerr and Cobb, of Leavenworth City, and that they be invited to seats in the bar of the House.

Carried.

On motion of Mr. Moore,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole Mr. Graham in the chair, for the consideration of House Bill No. 408, entitled "An act to remove and permanently locate the seat of Government," which was made the special order for Wednesday, at seven o'clock.

The Committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee, by the following vote:

Ayes—Messrs. Appelman, Barry, Bassett, Columbia, Cooper, Curtis, Danford, Hanna, Hatterschiedt, Jenkins, Keller, Moore, McClure, Mitchell, Owens, Orr, Reynard, Shannon, Seymour, Still, Stewart—21.

Noes—Messrs. Barber, Brock, Delong, Elliott, of Leavenworth, Elliott, of Atchison, Jameson, Lockhart, Morrill, Pennock, Speer, Stratton, Zinn—12.

On motion of Mr. Moore,

The bill read a second time.

The rules were suspended, and

The bill considered engrossed, and

Passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barry, Bassett, Bennett, Columbia, Cooper, Curtis, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidtt, Jenkins, Keller, Moore, McClure, Mitchell, Owens, Orr, Reynard, Shannon, Seymour, Still, Stewart—24.

Noes—Messrs. Barber, Brock, Delong, Graham, Jameson, Lockhart, Morrill, Pennock, Speer, Stratton, Zinn—11.

The bill passed, and

The title agreed to.

On motion of Mr. Mitchell,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, February 4, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Rev. Mr. Seymour.

Roll called.

Absent—Messrs. Adkins, Barry and Owens.

Journal read, corrected and approved.

Petitions, memorials and remonstrances being in order,

Mr. Cooper presented the petition of James Rogers, and one hundred and seventp-five others, resident voters of the southern portion of Shawnee and Weller counties, praying that Burlingame be made the county seat.

Referred to committee on Counties and County Lines.

Mr. Appleman presented the petition of Solomon Ranford, and others, praying for a Territorial road from Lawrence to Fort Gibson.

Referred to the committee on Public Roads.

Mr. Ellott, of Atchison, presented the petition of James Coulton, and sixty others, praying for a special election law for county officers in Atchison county.

Referred to the committee on Elections.

Mr. Speer presented a petition from J. Keys, and others, of Woodson county, against a change in the county lines of said county.

Referred to the committee on Counties and County Lines.

Mr. Curtis presented a petition from David Benton, and nineteen others, praying for a special election for county officers in Franklin county;

Also, from A. R. Morton, and fifty-nine others, on the same subject; which were

Referred to the committee on Elections.

Mr. Speer presented a petition from John Scheifswohl for the incorportion of the city of Eudora.

Referred to the committee on Corporations and Banking.

Reports from standing committees being in order,

Mr. Mitchell, chairman of the committe on Corporations and Banking, reported back to the House the following bills:

Council Bill No. 144, entitled "An act to incorporate the Saline Smelting and Salt Manufacturing Company;"
Council Bill No. 100, entitled "An act to incorporate the Wyandott Company;"
Council Bill No. 57, entitled "An act to incorporate the Webster Town Company;"
Council Bill No. 60, entitled "An act to change the name of the town of Roseport to Elwood, and to incorporate the the Elwood Town Company;"
Council Bill No. 71, entitled "An act to incorporate the Spring Hill Town Company;
Council Bill No. 54, entitled "An act to incorporate the Leavenworth Waterworks Company;"
House Bill No. 305, entitled "An act to incorporate the Waterloo Town Company;"
House Bill No. 420, entitled "An act to incorporate the Town Company of Cresco;"
House Bill No. 392, entitled "An act to incorporate the Lawrence University;"
House Bill No. 424, entitled "An act to incorporate the Oskaloosa Bridge Company;"
House Bill No. 324, entitled "An act to incorporate the Altoona Town Company;" without amendment.
Also, House Bill No. 385, entitled "An act to incorporate the St. Paul's Episcopal Church, in Leavenworrh City;"
House Bill No. 396, entitled "An act to incorporate the McCamish Town Company;" with amendments.

Mr. McClure, chairman of the committee on Education, reported back House Bill No. 419, entitled "An act to incorporate the Ewing College Association;" with amendments.

Mr. Delong, chairman of the committee on Agriculture and Manufactures, reported back Council Bill No. 147, entitled "An act to incorporate the Big Blue Woolen Manufacturing Company;"

Council Bill No. 146, entitled "An act to incorporate the Riley County Wool Stock Growing Company," without amendment;

House Bill No. 389, entitled "An act regulating Enclosures." The committee recommend that House Bill No. 223 be substituted for it.

Mr. Jameson, chairman of the committee on Public Roads, reported back House Bill No. 326, entitled "An act to authorize W. D. Harris, and others, to build a bridge acros 110 creek, in Shawnee County;"

House Bill No. 423, entitled "An act incorporating a Bridge Company at Uniontown, across Grasshopper creek;"

Council Bill No. 67, entitled "An act to establish a ferry across the Missouri river," without amendment.

Mr. Stratton, chairman of the committee on Counties and County Lines, reported back House Bill No. 397, entitled "An act establishing the office of County Treasurer, and defining the duties thereof," without amendment.

Mr. Moore, chairman of committee on Judiciary, reported back House Bill No. 425, entitled "An act extending time to Samuel V. Jameson, sheriff of Doniphan county, to collect taxes due in said county,"

House Bill No. 74, entitled "An act to charter the city of Doniphan."

House Bill No. 408, entitled "An act in relation to crimes and punishments."

House Bill No. 346, entitled "An act defining misdemeanors, and prescribing punishment therefor."

House Bill No. 345, entitled "An act defining felony, and prescribing punishment therefor."

House Bill No. 371, entitled "An act relating to Guardians."

House Bill No. 409, entitled "An act to authorize aliens to hold land in this Territory, by purchase or otherwise."

House Bill No. 402, entitled "An act to provide the recording of Duplicates, Warrants and evidences of purchase of Public Lands," without amendments.

Introduction of new bills being in order,

Mr. Speer introduced Bill No. 430, entitled "An act for the incorporation of Eudora City."

Referred to committee on Corporations and Banking.

Mr. Seymour introduced Bill No. 431, entitled "An act establishing the office of county Auditor, and defining the duties thereof."

Referred to the committee on Counties and County Lines.

Mr. Keller introduced Bill No. 432, entitled "An act to establish a Territorial road from Leavenworth City to Fort Scott."

Referred to the committee on Counties and County Lines.

Mr. Jameson introduced Bill No. 433, entitled "An act to incorporate the city of Elwood."

Also, Bill No.434, entitled "An act to incorporate the Palermo City Company," which were

Referred to the Committee on Corporations and Banking.

Mr. Wheeler introduced Bill No. 435, entitled "An act to change the name of Doniphan county, defining the boundaries thereof, and to locate the county seat by a vote of the people."

Referred to the committee on Counties and County Lines.

Also, Bill No. 436, entitled "An act to incorporate the Palermo City Company."

Referred to the committee on Corporations and Banking.

Mr. Curtis introduced Bill No. 437, entitled "An act to incorporate the Eureka Town and Seminary Association."

Mr. Barber introduced Bill No. 438, entitled "An act to incorporate the Ninevah Town Company."

Mr. Cooper introduced Bill No. 439, entitled "An act to incorporate the Hesperia Town Company."

Mr. Cooper introduced Bill No. 440, entitled "An act to locate a Territorial road from Big Springs to Leavenworth City," which were

Referred to the committee on Corporations and Banking.

T. B. Sternburgh and M. B. Rehoe, Assistant Enrolling Clerks, were qualified, and entered upon the duties of office.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council have passed the following bills:

Council Bill No. 150, entitled "An act to incorporate the Otsego Coach Manufacturing Company."

Council Bill No. 149, entitled "An act to incorporate the Ghent Foundry."

Council Bill No. 151, entitled "An act to incorporate the Glenn and Oak Hill Rapids Manufacturing Company."

Council Bill No. 68, entitled "An act to incorporate the Wea City Town Company."

Council Bill No. 155, entitled "An act to incorporate Junction City;"

Council Bill No. 160, entitled "An act to construe the statutes in a certain case."

G. A. COLTON,
Ass't Secretary.

All of which were referred to appropriate committees.

Message from the Council :

Mr. Speaker :—I am directed by the Council to inform the House, that they have receded from their amendment to House Bill No. 60;

Also, that the Council have passed House Bill No. 358, "An act to grant a divorce and to change the name of Julia Ann Judson ;"

House Bill No. 200, "An act to incorporate the Chelsea Town Company ;"

House Bill No. 191, "An act to incorporate the Sanfoxie Town Company ;"'

House Bill No. 214, "An act to incorporate the Kennekuk Town Company ;"

House Bill No. 280, "An act to incorporate Union City Town Company ;"

House Bill No. 164, "An act to incorporate the Mapleton Town Company ;"

House Bill No. 192, "An act to incorporate the Otsego Town Company ;"

House Bill No. 189, "An act to incorporate the Eldridge Town Company ;"

House Bill No. 203, "An act to incorporate the Chester Town Company ;"

House Bill No. 207, "An act to incorporate the Kaskaskia Town Company ;"

House Bill No. 254, "An act to incorporate the Cottonwood Bridge Company ;"

House Bill No. 210, "An act to incorporate the Kickapoo Association ;"

House Bill No. 154, "An act to incorporate the Charleston Town Company, in Washington county, Kansas Territory ;"

House Bill No. 246, "An act to incorporate the New Hampshire Town Company ;"

House Bill No. 157, entitled "An act to incorporate the Spring Grove Town Company ;"

House Bill No. 263, entitled "An act to incorporate the Fredonia Town Company ;"

House Bill No. 309, entitled "An act to incorporate the Kossuth Town Company ;"

House Bill No. 216, entitled "An act to incorporate the Easton Brdige Company ;"

House Bill No. 250, entitled "An act relative to fugitives from other Territories or States ;"

House Bill No. 148, entitled "An act to incorporate the Marmaton Town Company ;"

House Bill No. 217, entitled "An act to incorporate the town of Bloomington.

House Bill No. 327, entitled "An act to incorporate the Bath Town Company;"

House Bill No. 343, "An act declaring certain persons privileged from arrest on civil process;"

House Bill No. 336, "An act to incorporte the Coryden Town Company;"

House Bill No. 276, entitled "An act to incorporate the Ottawa Town Company;"

House Bill No. 282, "An act to incorporate the Town Company of the town of Medina;"

House Bill No. 253, "An act to incorporate the Neosho Bridge Company;"

Council Bill No. 163, "An act respecting nullity of the marriage contract;"

House Bill No. 330, "An act to incorporate the Chesterfield Town Company;"

House Bill No. 283, "An act to incorporate the West Claytonville Town Company;"

House Bill No. 341, "An act concerning trusts and powers;"

House Bill No. 289, "An act to incorporate the Maires Town Company;"

House Bill No. 316, "An act to incorporate the Bozarias Town Company;"

House Bill No. 252, "An act to incorporate the Central City Association;"

House Bill No. 306, "An act to incorporate the Buffalo Town Company;"

House Bill No. 116, entitled "An act to incorporate the Clayton Town Association;"

House Bill No. 32, "An act to establish a ferry across the Missouri river, at Quindaro;"

House Bill No. 76, entitled "An act to incorporate the Marietta Town Company, in Marshall county, K. T.;"

House Bill No. 193, entitled "An act to incorporate the Unadilla Town Company;"

House Bill No 169, entitled "An act to incorporate the Liberty Town Association;"

House Bill No. 275, entitled "An act to incorporate the Luella Town Company;"

House Bill No. 185, entitled "An act to incorporate the Batchelor Town Company;"

House Bill No. 101, entitled "An act to incorporate the Sabetha Town Company;"

House Bill No. 286, entitled "An act to incorporate the Dover Town Company;"

House Bill No. 325, entitled "An act to incorporate the Waupego Town Company;"

House Bill No. 14, entitled "An act to regulate the entry and disposal of Town Sites;"

House Bill No. 104, entitled "An act to incorporate the Osage City Association."

J. K. GOODIN,
Secretary.

Message from the Council:

MR. SPEAKER:—I am ordered by the Council to inform the House of Representatives that the Council has passed the following concurrent resolution:

Resolved, By the Council (the House of Representatives concurring) That the further introduction of bills incorporating Town Companies, during the remainder of the present session of the Legislature, be and are hereby declared out of order, except by unanimous consent, and shall not be received or acted upon by the Legislature.

J. K. GOODIN,
Secretary.

Mr. Moore moved the House concur.

Motion was lost.

On motion of Mr. Speer,

The House resolved itself into Committee of the Whole, Mr. Graham in the chair, for the consideration of House Bill No. 351 1-2, entitled "An act to provide for the manner of holding elections."

The committee arose, and, through the chairman, reported back the bill, and recommended the printing of the bill before further action on it.

The House concurred in the recommendation of the committee.

On motion of Mr. Danford,

House Bill No. 352, entitled "An act to provide for contested elections," was taken up, and

Read a second time, and

On motion,

The rules were suspended and

The bill passed to its third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

House Bill No. 272, entitled "An act concerning Interest on Money," was taken up, and

Read a second time, and

On motion of Mr. Hanna,

The bill was referred to a special committee of three.

The chair appointed, as said committee, Messrs. Hanna, Mitchell and Barber.

On motion of Mr. Danford,

House Bill No. 353, entitled "An act to preserve the purity of Elections," was taken up, and

Read a second time.

Mr McClure moved that the bill lay on the table until Bill No. 351 1-2 be printed.

Mr. Moore moved to amend by ordering it to be printed.

Carried.

B. L. Kingsbury, assistant enrolling clerk, took the oath, and entered upon the duties of his office.

On motion of Mr. Mitchell,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Keller asked and obtained leave to introduce Bill No. 441, entitled "An act to grant a divorce to Mary B. Myers."

Referred to the committee on Judiciary.

Mr. Danford introduced Bill No. 442, entitled "An act making appropriations to pay the expenses of the Board of Commissioners investigating Election Frauds, and granting certain powers to said Board."

Referred to the committee on Ways and Means.

Mr. Barber introduced Bill No. 443, entitled "An act to incorporate the Walker City Town Company;"

Also, Bill No. 444, entitled "An act to incorporate the Wakefield Town Company;"

House Bill No. 445, entitled "An act to incorporate the Kanwaca Town Company," which were

Referred to the committee on Corporations and Banking.

Mr. Appelman introduced Bill No. 446, entitled "An act regulating Weights and Measures."

Referred to the committee on Judiciary.

On motion of Mr. Danford,

Rule 49 was suspended, and

House Bill No. 442, entitled "An act making appropriations to pay the expenses of the Board of Commissioners of investigations of Election frauds, and granting certain powers to said Board," was taken up, and

On motion of Mr. Speer,

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Orr in the chair.

The committee arose, and, through the chairman, reported back the bill to the House, with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Danford,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House of Representatives that the Council have passed the following bills:

House Bill No. 37, entitled "An act to provide for the regulation of the running at large of Swine;"

House Bill No. 147, entitled "An act to incorporate the Leavenworth Patent Brick and Stone Manufacturing Company;"

Council Bill No. 137, entitled "An act to incorporate the Blue Mont Central College Association;"

House Bill No. 171, entitled "An act to enable Trustees to receive lands and donations, and convey the same for the use of Schools, &c.;"

House Bill No. 212, entitled "An act to incorporate the Kansas Center Town Company;"

House Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Dressing Manufacturing Company."

G. A. COLTON,
Ass't Secretary.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House that the Council has passed the following bills:

House Bill No. 302, "An act to incorporate the Cumberland Town Company."

Also, House Bill No. 102, "An act to incorporate the Padonia Town Company;"

House Bill No. 287, "An act to incorporate the Waynesburg Company;"

Council Bill No. 127, "An act to amend an act to incorporate the Missouri River and Rocky Mountain Railroad Company."

B. F. HUTCHINS,
Journal Clerk of Council.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of the passage of the following bills:

Council Bill No. 44, entitled "An act to establish the office of Land District Recorder;"

House Bill No. 383, "An act to incorporate the Kansas Falls Bridge Company;"

House Bill No. 379, "An act containing several provisions regarding landlords, tenants, lessors and lessees;"

House Bill No. 144, "An act to incorporate the Town of Pardee;"

House Bill No. 18, "An act incorporating the De Soto Ferry Company;"

House Bill No. 380, "An act concerning the assignment of Judgments and Decrees;"

House Bill No. 382, "An act to incorporate the Kansas Falls Water Power and Manufacturing Company;"

House Bill No. 225, "An act authorizing the appointment of Commissioners of Deeds in the States and Territories, and prescribing their duties;"

House Bill No. 370, entitled "An act for the maintenance and support of Illegitimate Children," with the following amendment; Strike out " or any married woman deserted by her husband;"

House Bill No, 246, "An act to incorporate the New Hampshire Town Company;"

House Bill No. 374, "An act fixing the age of Majority;"

House Bill No. 240, "An act to incorporate the Crittenden Town Company;"

House Bill No. 140, "An act to incorporate the Elwood and Wathena Plank and Macadamized road Company;"

House Bill No. 241, "An act to incorporate the Annapolis Town Company."

B. F. HUTCHINS,
Journal Clerk.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House that they have passed the following joint resoulutions, asking your favorable concurrence therein.

J. K. GOODIN,
Secretary.

The first was a series of resolutions, asking Congress, through our delegate, for grants of land for railroad purposes."

The Speaker appointed Messrs. McClure, Shannon and Graham the members on the part of the House, for the said joint committee.

The second was a memorial to Congress, through our delegate, asking for the change of the northern boundary line of Kansas.

The Speaker appointed Messrs. Morrill, Hanna and Stewart, the members, on the part of the House, for the said joint committee.

On motion of Mr. Cooper,

The House concurred in Council amendment, to wit: "In House Bill No. 370, "An act entitled 'An act for the support and maintenance of illegitimate children,'" in the first section, to strike out " or married women deserted by their husbands."

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN:—I have this day approved an act entitled "An act to incorporate the Georgetown Town Company;"

Also, "An act to incorporate the Pleasant Valley Town Company;"

Also, "An act to amend an act entitled 'An act to incorporate the city of Palermo, K. T., approved Feb. 14, 1857;'"

Also. "An act repealing an act entitled 'An act to incorporate the Kansas Valley Bank;'"

Also, "An act to incorporate Geary City;'"

Also, "An act incorporating the Kansas Educational Association of the Methodist Episcopal Church;'"

Also, "An act to incorporate the Cherokee Mining Company."

J. W. DENVER,
Feb. 3, 1858. Acting Governor.

On motion of Mr. Cooper,

The vote on House Bill No. 90, entitled "An act to incorporate the Battle Hill Town Company," was reconsidered.

On motion of Mr. Danford,

The further consideration of the Governor's veto was postponed until 10 o'clock A. M. to-morrow.

Mr. James Crowfoot, Assistant Enrolling Clerk, presented himself at the Speaker's stand, took the oath of office and entered upon the duties of his office.

On motion of Mr. Hanna,

A committee of two was appointed to search for lost bills.

The Speaker appointed Messrs. Hanna and Lockhart said committee.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, Mr. Morrill in the chair, for the consideration of House Bill No. 259, entitled "An act defining the boundaries of the Judicial Districts, and prescribing the times and places of holding courts therein."

The committee arose, and, through the chairman, reported progress, and asked leave to sit again, which was

Granted.

Mr. Curtis asked and obtained leave to introduce Bill No. 447, entitled "An act to locate the county seat of Madison county."

Referred to committee on Counties and County Lines.

Mr. Jameson introduced Bill No. 448, entitled "An act to incorporate the Elwood Seminary."

Also, Bill No. 449, entitled "An act to incorporate the Elwood Lyceum."

Mr. Elliott, of Leavenworth, introduced Bill No. 451, entitled "An act to incorporate the Marmaton Town Association."

Also. Bill No. 452, entitled "An act to incorporate the Belmont Town Association."

Mr. Seymour introduced Bill No. 450, entitled "An act to incorporate the Aubry Town Association."

Mr. Stewart introduced Bill No. 453, entitled "An act to incorporate the Kewana Town Company."

Mr. Barry introduced Bill No. 454, entitled "An act to incorporate Oakland City."

Also, Bill No. 455, entitled "An act to incoporate the Covington Town Company."

Also, Bill No. 456, entitled "An act to incorporate the Newport Town Company."

Also, Bill No. 457, entitled "An act to incorporate Saline City."

Mr. Keller introduced Bill No. 458, entitled "An act to incorporate the Bertram Town Company;"

Also, Bill No. 460, entitled "An act to incorporate the Blue Island Association;"

Also, Bill No. 459, entitled "An act to incorporate the Laneville Town Company;" which were

Referred to the committee on Corporations and Banking.

On motion of Mr. McClure,

Resolved, That a committee of five be appointed to inquire into the expediency of reserving a section of land, in each county, for agricultural purposes.

Lost.

On motion of Mr. Danford,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

The joint committee on House Bill No. 41, to provide for the election of delegates to a Convention to frame a State Constitution, asked to be discharged, and that another committee be appointed.

The request was not granted.

Mr. Stratton, chairman of the committee on Counties and County Lines, submitted a report, accompanied by a substitute to House Bill No. 257, entitled "An act defining the boundaries of Counties, and temporarily locating the seat of justice thereof, and for the repeal of Bill No. 47."

The House accepted the report.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, for the consideration of the bill.

Mr. Morrill in the chair.

The committee arose, and, through the chairman, reported progress, and asked leave to sit again.

Which was granted.

Mr. Hanna moved to make the bill the special order for to-morrow, at 7 P. M.

Mr. Danford moved to make it the special order for Saturday at 7 P. M.

The ayes and noes being called for, the following was the result:

Ayes—Messrs. Barber, Barry, Cooper, Elliott, of Leavenworth, Graham, Hanna, Jameson, Keller, Morrill, McClure, Orr, Pennock, Reynard, Speer, Seymour, Still, Stratton, Zinn—18.

Noes—Messrs. Appelman, Basset, Brock, Bennett, Columbia, Curtis, Delong. Danford, Elliott, of Atchison, Hatterscheidt, Jenkins, Lockhart, Moore, Mitchell, Miller, Owens, Shannon, Stewart, Wheeler—19.

Eighteen in the affirmative, and nineteen in the negative.

On motion of Mr. Danford,

The original motion of Mr. Hanna was carried, and

House Bill No. 257 was made the special order for 7 o'clock P. M., on Friday.

On motion of Mr. Moore,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

FRIDAY, February 5, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Bassett, Curtis, Miller, Orr, Shannon, Still, Stratton, Wheeler.

Journal read, corrected and approved.

William A. Snow and L. S. Bacon, assistant enrolling clerks, were qualified, and entered upon the duties of office.

Petitions and memorials being in order,

Mr. Lockhart presented the petition of H. C. Hamilton, and three hundred others, praying for the location of the county seat of Johnson county to be established at the town of Olathe.

Mr. Appelman presented a remonstrance from J. L. Dolman, and others, of Madison county, against any change of the county lines in said county.

Mr. McClure presented a memorial from J. M. Funk, and one hundred and forty-eight others, praying for a division of Leavenworth county; which were

Referred to the committee on Counties and County Lines.

Mr. Mitchell presented the petition of Anna E. Delange, praying for divorce.

Referred to the committee on Judiciary.

Mr. Mitchell presented concurrent memorial and resolutions to the Governor and President of the Council of the Cherokee Nation, of which the Council were notified.

Reports from standing committees being in order,

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back the following bills:

House Bill No. 453, entitled "An act to incorporate the Kewanna Town Association;"

House Bill No. 418, entitled "An act to incorporate the city of Sumner," without amendment.

House Bill No. 451, entitled "An act to incorporate the Marmaton Town Company;"

House Bill No. 457, entitled "An act to incorporate Saline City Association," with amendment.

Mr. Jameson, chairman of the committee on Public Roads, reported back the following bills:

House Bill No. 432, entitled "An act to establish a Territorial road from Leavenworth to Fort Scott;"

House Bill No. 398, entitled "An act to establish a Territorial road from Lawrence to Centropolis, via Willow Springs;"

House Bill No. 337, entitled "An act establishing a Territorial road from Olathe, via Stanton, to Burlington;"

House Bill No. 351, entitled "An act to declare a certain road a Territorial road;"

House Bill No. 228, entitled "An act to establish a Territorial road from Atchison to Fort Riley, via New Brighton," which the committee report as engrafted in the general bill.

Also, the petition of Jesse Newell and others;

The petition of Ervilla Root and others;

The petition of John Ellis and others;

The petitien of G. W. Brown and others;

The petition of Wm. Staley;

The petition of A. McCullough;

The petition of Solon Kaufman and others;

All of whom are praying for the establishment and location of Territorial roads, and are all engrafted in the general bill.

Mr. Moore, chairman of the committee on Judiciary, reported to the House the following bills:

House Bill No. 415, entitled "An act to exempt certain property from execution;"

House Bill No. 446, entitled "An act regulating weights and measures.

House Bill No. 412, entitled "An act defining the jurisdiction and practice of probate courts;"

House Bill No. 431, entitled "An act to grant a divorce to Mary B. Myers;"

House Bill No. 365, entitled "An act relating to executors and administrators," without amendment;

Also, House Bill No. 378, entitled "An act regulating practice in civil cases, before justices of the peace," and report a substitute for the same;

Also, House Bill No. 428, entitled "An act referring to the rights of persons claimed as fugitive slaves."

The committee report the bill back without recommendation.

Mr. Stratton, chairman of the committee on Counties and County Lines, made the following report:

House Bill No. 431, entitled "An act establishing the office of County Auditor, and defining the duties thereof," without amendment.

Mr. Hanna, chairman of the select committee to whom was referred resolutions, originating in the Council, upon the subject of annexing all that territory north of the northern line of Kansas, and south of the Platte river, made a majority report, which,

On motion,

Was laid on the table, until the minority are ready to report.

Mr. Owens introduced Bill No. 461, entitled "An act to grant a divorce to Susanna Layton."

Referred to committee on Judiciary.

On motion of Mr. Cooper,

Resolved, That the special committee appointed to examine and prepare general laws be instructed to report to-morrow morning.

Carried.

Mr. Barry introduced Bill No. 462, entitled "An act in relation to lunatics and habitual drunkards."

Referred to the committee on Judiciary.

Mr. Reynard introduced Bill No. 463, entitled "An act to incorporate the Holton Seminary."

Referred to committee on Corporations and Banking.

Message from the Council:

Mr. Speaker:—I an instructed by the Council to inform the House of Representatives that the Council has passed House Bill No. 213, entitled "An act to incorporate the Columbus City Association."

BEN. F. HUTCHINS,
Journal Clerk.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council has passed the following bills:

Council Bill No. 184, "An act to incorporate the Lawrence Bridge Company;"

Council Bill No. 108, "An act to incorporate the Minnehaha Town Company;"

Council Bill No. 177, "An act authorizing E. F. Gregory, and others, to build a bridge;"

Council Bill No. 183, "An act to incorporate the Stubbs;"

Also, House Bill No. 249, "An act repealing an act concerning Patrols;"

House Bill No. 408, "An act to remove and permanently locate the Seat of Government."

BEN. F. HUTCHINS,
Journal Clerk.

Which were referred to appropriate committees.

On motion of Mr. Moore,

House Bill No. 328, entitled "An act to establish a code of civil procedure," was taken up, and

Read a second time, and,

On motion of Mr. Danford,

The rules were suspended, and

The bill passed to a third reading.

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. McClure,

House Bill No. 392, entitled "An act to incorporate the Sumner University," was taken up, and

Read a second time, and,

On motion of Mr. Moore,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The following bills were taken up,

Read a second and third time.

Passed.

Council Bill No. 57, entitled "An act to incorporate the Webster Town Company;"

Council Bill No. 144, entitled "An act to incorporate the Saline Smelting and Salt Manufacturing Company;"

Council Bill No. 71, entitled "An act to incorporate the Spring Hill Town Association;"

Council Bill. No. 147, entitled "An act to incorporate the Big Blue Woolen Manufacturing Company;"

Council Bill No. 67, entitled "An act to establish a Ferry across the Missouri river;"

House Bill No. 392, entitled "An act to incorporate the Sumner University."

On motion of Mr. Curtis,

The House resolved itself into Committee of the Whole, Mr. Moore in the chair, for the consideration of House Bill No. 19, entitled "An act to charter a ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas.

The Committee arose, and, through the chairman, reported back the bill, and recommended its indefinite postponement, and asked the concurrence of the House.

On motion,

The report was rejected.

On motion of Mr. Cooper,

The bill was referred to a select committee of three.

The Speaker appointed, as such committee, Messrs. Seymour, Cooper and Barry.

Mr. Speer, chairman of the committee on Elections, made the following report:

The committee on Elections, to whom was referred the memorial of W. T. Blackburn, contesting the seat of J. P. Miller, respectfully report that they have fully examined the testimony presented by each party, and have come to the conclusion that W. T. Blackburn has not made sufficient showing of fraudulent voting to entitle him to the seat now occupied by J. P. Miller. They therefore offer the following resolution:

Resolved, That J. P. Miller is entitled to his seat as Representative of Marshall county, in the 6th Representative district.

Resolved, That W. T. Blackburn is entitled to the per diem and mileage of a Representative in this House, from the time of the presentation of his memorial until the present date; all of which is respectfully submitted.

JOHN SPEER, Chairman.
ROBT. B. MITCHELL.
CHARLES JENKINS.
O. A. BASSETT.

Report was adopted.

Mr. Morrill asked and obtained leave to introduce Bill No. 464, "An act locating the county seat," which was

Referred to the committee on Counties and County Lines.

Mr. Bassett introduced Bill No. 465, entitled "An act concerning Corporations;"

Mr. Elliott, of Leavenworth, introduced Bill No. 466, entitled "An act concerning trespass to School Lands;" which were

Referred to the committee on Education.

Also, Bill No. 467, entitled "An act to incorporate the Sylvan Town Company."

Referred to the committee on Corporations and Banking.

On motion of Mr. Danford,

The committee of conference was discharged.

On motion of Mr. Mitchell,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives that the Council has passed House Bill No. 442, entitled "An act making an appropriation to pay the expenses of the Board of Commissioners to investigate Election Frauds, and granting certain powers to said Board," with an amendment, respectfully asking your concurrence therein.

J. K. GOODIN,
Secretary.

The House concurred in the amendment.

Mr. Stratton, chairman of the committee on Counties and County Lines, asked leave to amend the bill accompanying the following report:

Leave was granted.

Report of the committee on Counties and County Lines:

Mr. Speaker:—Your committee, to whom was referred the duty of examining Counties and County Lines, beg leave to submit the following report:

First. That a large number of petitions and memorials, from different parts of the Territory, have been received, praying that the county lines may be changed, so as to conform with the township lines.

Second. That petitions have been received praying for the removal of county seats from present localities, and the establishing the same at the points more accessible to the public, or more central.

Third. Other petitions, praying that the lines remain where they now are, and others still, praying that new counties be organized and new county seats established.

Your committee have carefully considered all the above petitions and memorials, and, in explanation of the action of your committee, we will recite a few facts familiar to all.

In the year 1855, a usurping body of men, from Missouri, calling themselves a Legislature, assembled within four miles of the State of Missouri, and proceeded to enact a code of laws and divide the Territory into what purported to be counties, and establish county seats. In order to show the alien and partizan character of these men, and the necessity for revising and correcting their work and adapting it to the wants of the people, it is only necessary to state the facts as they exist.

All that tract of country lying west of the present Shawnee Reserve, and extending fifty miles up the Kansas river, and twenty-five miles in width, was divided into two counties, and the only two pro-slavery towns, to wit: Lecompton and Tecumseh, lying upon the northern border, and within ten miles of each other, were made county seats. In most other parts of the Territory, for the purpose of forming partizan towns and promoting the interest of men, hostile to a popular government, county lines were run through the centre of townships, and, without consulting the interest or wishes of a majority of the people, county seats were established wherever a pro-slavery town could be found, and when no such town could be found, no county seat was established, and, to this day, many counties remain unorganized and no courts are held in them. Your committee would further state that the names of the counties, now found upon the map of this Territory, are the names of the usurpers who first misrepresented Kansas, and, as their names and their deeds are a record of infamy, usurpation and crime, your committee propose to blot them out, that they may be remembered no more, forever.

In order that we may erect a monument to the memory of the noble Indian tribes, who are fast passing away, your committee would respectfully recommend that the name of an Indian tribe, so far as practicable, be given to each county, and, that all county lines, as far as possible, be put on township lines, and, that county seats be made as central and convenient as possible to the population embraced within the county lines. Your committee further report, that they have proceeded to divide the Territory into counties according to townships and township lines. Your committee have, as far as practicable, reported county seats for the different counties; all of which is respectfully submitted.

H. STRATTON, Ch'n.

Mr. Lockhart moved that the further consideration of the report of the committee be indefinitely postponed.

Mr. Mitchell moved a call of the House.

Carried.

Absent—Messrs. Adkins, Elliott, of Atchison, and Hatterscheidt.

The sergeant-at-arms was notified to bring in absentees.

On motion,

The further call of the House was dispensed with.

The ayes and noes were called, with the following result:

Ayes—Messrs. Columbia, Curtis, Delong, Danford, Lockhart, Moore, Mitchell, Owens, Reynard, Shannon, Stewart, Wheeler.

Noes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Bennett, Cooper, Elliott, of Leavenworth, Graham, Hanna, Hatterscheidt, Jameson, Keller, Morrill, McClure, Owens, Orr, Pennock, Speer, Seymour, Still, Stratton, Zinn—25.

On motion of Mr. Danford,

The House resolved itself into committee of the Whole, for the consideration of the report of the committee on Counties and County Lines.

Mr. Morrill in the chair.

The committee arose, and, through the chairman, reported progress, and asked leave to sit again.

Leave was granted.

Mr. McClure moved to make the report the special order for 2 o'clock P. M. to-morrow.

Mr. Danford moved to amend by substituting 7 P. M.

Lost.

Mr. Cooper moved to substitute 9 A. M.

Laid on the table.

The question being upon the original resolution, it was

Carried.

On motion of Mr. Moore,

The House adjourned.

SATURDAY, February 6, 1858.
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Keller, McClure, Wheeler and Zinn.

Mr. Danford gave notice that he would, on Monday next, introduce a bill entitled "An act in relation to Homestead Exemption."

Reports from standing committees being in order,

Mr. Moore, chairman of the committee on Judiciary, reported back House Bill No. 461, entitled "An act to grant a divorce to Susanna Layton."

House Bill No. 462, entitled "An act in relation to lunatics and habitual drunkards," without amendment.

Mr. Mitchell, chairman of committee on Corporations and Banking, reported back House Bill No. 400, entitled "An act to incorporate the Petersburg Town Joint Stock Company."

House Bill No. 436, entitled "An act to incorporate the Palermo City Company."

House Bill No. 285, entitled "An act to incorporate the Winona Town Company."

House Bill No. 357, entitled "An act to incorporate the Wayland University."

House Bill No. 411, entitled "An act to incorporate the Hyatt Town Company."

House Bill No. 445, entitled to incorporate the Kanwaca Town Company," with amendment.

House Bill No. 427, entitled "An act to establish a ferry across the Kansas river."

House Bill No. 465, entitled "An act concerning corporations."

House Bill No. 433, entitled "An act to incorporate the city of Elwood."

House Bill No. 323, entitled "An act to incorporate the Leavenworth Turnverein."

House Bill No. 463, entitled "An act to incorporate the Holton Seminary."

Council Bill No. 184, entitled "An act to incorporate the Lawrence Bridge Company."

Council Bill No. 183, "An act to incorporate the Stubbs."

House Bill No. 410, entitled "An act to change the name of Pottawattamie City to Mount Gilead."

House Bill No. 13, "An act to create and regulate corporations."

Council Bill No. 84, entitled "An act to incorporate the Blue River Bridge Company," without amendment.

House Bill No. 440, entitled "An act to locate a Territorial road from Big Springs to Leavenworth City," and recommend that it be referred to the committee on Public Roads.

Mr. Morrill introduced Bill No. 468, entitled "An act to incorporate the Grenada Town Company."

Mr. Keller introduced Bill No. 469, entitled "An act to incorporate the Kansas Bank, City Bank of Topeka and Bank of Lawrence," which were

Referred to the committee on Corporations and Banking.

Message from the Council:

MR. SPEAKER:—I have the honor to inform that the Council have passed Council Bill No. 186, entitled "An act to locate and establish certain Territorial roads."

J. K. GOODIN,
Secretary.

Referred to appropriate committees.

Message from the Council:

MR. SPEAKER:—I have the honor to inform the House of Representatives of the passage, by the Council, of the following bills: House Bill No. 165, "An act to amend an act entitled 'An act to incorporate the city of Lecompton;'"

House Bill No. 139, "An act to incorporate the Elwood, Palermo and Fort Riley Railroad Company;"

House Bill No. 152, "An act to incorporate the Saint Joseph, Sumner and Lawrence Railroad Company;"

Council Bill No. 22, "An act to incorporate the city of Wyandott;"

Council Bill No. 63, "An act to establish a Ferry across the Kansas river;"

House Bill No. 332, "An act to provide for Contested Elections;"

House Bill No. 105, "An act to authorize Jacob N. McCall, Egbert M. Lee, and others, to build a bridge across Independence Creek;"

Council Bill No. 140, "An act to incorporate the Delaware and Lawrence Railroad Company;"

House Bill No. 103, "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company;"

Council Bill No. 189, "An act to provide for the punishment of Crimes;"

Council Bill No. 178, "An act to authorize cities and townships to take stock in Railroads;"

Council Bill No. 182, "An act establishing certain banks in Kansas Territory;"

House Bill No. 74, "An act to charter the city of Doniphan;"

Council Bill No. 141, "An act to incorporate the Leavenworth, Lawrence and Burlington Railroad;"

Council Bill No. 191, "An act to locate the penitentiary;"

Council Bill No. 188, "An act supplemental to an act entitled

'An act to incorporate the St. Joseph and Topeka Railroad Company,'" approved Feb. 20th, 1857;

Council Bill No. 109, "An act to incorporate the Missouri River Railroad Company,"

Memorial of Legislative Assembly on behalf of Blue Mont Central College Association;"

Council Bill No. 126, "An act to incorporate the Leavenworth Mutual Insurance Company;"

Council Bill No. 124, "An act to incorporate the Blackfun Town Company;"

Council Bill No. 192, "An act to incorporate the Moneka University;"

Council Bill No. 100, "An act to incorporate the Seneca Town Company;"

House Bill No. 108, "An act to incorporate the White Cloud City Company;"

House Bill No. 112, "An act concerning county jails;"

House Bill No. 113, "An act to incorporate the Superior Town Company;"

House Bill No. 80, "An act to incorporate the Brooklyn Town Company;"

House Bill No. 66, "An act to incorporate the Humboldt Town Company;"

House Bill No. 115, "An act to incorporate the Wilmington Seminary;"

House Bill No. 122, relative to Kansas River Bridge Company;

House Bill No. 145, incorporating the Pardee Seminary;

House Bill No. 215, incorporating Kansas Central Railroad Company;

Council Bill No. 166, chartering a ferry at Nevada City;

Council Bill No. 110, incorporating Quindaro Library Association;

Council Bill No. 79, providing for records, &c.;

Council Bill No. 117, "An act to incorporate the Lawrence Hydraulic Works;"

House Bill No. 167, "An act incorporating Springfield Town Company;"

Council Bill No. 180, incorporating Avoca Town Company;

Council Bill No. 172, incorporating Stanton Town Company;

House Bill No. 307, incorporating Cleveland Town Company;

House Bill No. 177, incorporating Muscotah Town Company;

Council Bill No. 182, incorporating the Greenup Town Company;

Council Bill No. 168, incorporating Beulah Town Company;

Council Billl No. 158, incorporating Kansas Falls Town Company;

Council Bill No. 165, incorporating Simpson Town Company;

Council Bill No. 161, incorporating Linneville Town Company;

Council Bill No. 159, incorporating Armistead Town Company;

Council Bill No. 135, incorporating Minneapolis Town Company;

Council Bill No. 61, incorporating the Caliema Town Company;

Council Bill No. 167, incorporating the Sepo Town Company;

Council Bill No. 170, incorporating Nevada City Town Company;

Council Bill No. 66, incorporating Kapioma Town Company;

Council Bill No. 58, incorporating White Cloud City Town Company;

Council Bill No. 95, incorporating Ottawa Town Company;

Council Bill No. 115, incorporating Pechalka Town Company;

Council Bill No. 113, incorporating Delaware Town Company;

Council Bill No. 112, incorporating Tecumseh Town Company;

Council Bill No. 116, incorporating Claytonville Town Company;

Council Bill No. 120, incorporating Richland Town Company;

Council Bill No. 121, incorporating Jefferson Town Company;

Council Bill No. 122, incorporating Ashland Town Company;

Council Bill No. 123, incorporating Trenton Town Company;

Council Bill No. 132, incorporating Wabaunsee Town Company;

Council Bill No. 193, incorporating Palermo Bridge Company;

House Bill No. 381, relating to practice and pleadings;

House Bill No. 178, incorporating the city of Atchison;

House Bill No. 125, relating to roads and highways;

Council Bill No. 128, "Relative to Highways and Bridges;"

House Bill No. 303, "An act to establish and charter a ferry at the city of Kickapoo;"

House Bill No. 368, "An act concerning Partnerships;"

Council Bill No. 94, "An act creating a Territorial Board of Equalization;"

House Bill No. 87, "Changing the name of Eliza Hamilton," &c., &c.;

Council Bill No. 104, repealing "An act to prohibit circulation of paper currency of a less denomination than three dollars;"

House Bill No. 149, "An act to provide for the taking effect of laws;"

Council Bill No. 62, "An act relative to times of holding District Courts;"

Council Bill No. 182, "An act establishing certain Banks in Kansas Territory."

J. K. GOODIN,
Secretary.

On motion of Mr. Moore,

The following bills were taken up, read a second and third time, and

Passed.

House Bill No. 223, entitled "An act to encourage the destruction of Wolves."
House Bill No. 227, "An act to establish a ferry across the Kansas river."
House Bill No. 313, entitled "An act to incorporate the Mount Vernon Town Company."
House Bill No. 305, entitled "An act to incorporate the Waterloo Town Company."
House Bill No. 194, entitled "An act to incorporate the Ghent Town Company."
House Bill No. 155, entitled "An act to incorporate the Lawrence City, Delaware and City of Leavenworth Railroad Company."
House Bill No. 335, entitled "An act to incorporate the Kataqua Town Company."
House Bill No. 259, entitled "An act defining the boundaries of the Judicial Districts, and prescribing the times and places of holding courts therein."
House Bill No. 291, entitled "An act concerning Estrays."
House Bill No. 385, entitled "An act to incorporate the St Paul's Episcopal Church, in Leavenworth City."

On motion of Mr. Jameson,

The House resolved itself into Committee of the Whole, Mr. Danford in the chair, for the consideration of House Bill No. 259, entitled "An act defining the boundaries of the Judicial Districts, and prescribing the times and places of holding courts therein."

The committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

The House concurred by the following vote:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Curtis, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidtt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Shannon, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—35.

Noes—Mr. Bennett—1.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council has passed House Bill No. 55, entitled "An act incorporate the Osawatomie Town Company."

G. A. COLTON,
Ass't Secretary.

On motion of Mr. Danford,

House Bill No. 291, entitled "An act concerning Estrays," was taken up, and

Read a second time.

On motion of Mr. Danford,

The rules were suspended and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

Council Bill No. 182, "An act establishing certain Banks in Kansas Territory," was taken up.

Mr. Mitchell moved that the bill be made the special order for 7 P. M.

Mr. Cooper moved that the bill lay on the table until printed.

Lost.

Mr. Keller moved its reference to a special committee.

Lost.

The question recurring upon the original motion of Mr. Mitchell, it was

Carried.

On motion of Mr. Bassett,

House Bill No. 465, entitled "An act concerning Corporations," was taken up, and

Read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time.

Mr. Cooper moved that the bill be laid on the table.

Carried.

Mr. Hanna, Chairman of the special committee to whom was referred House Bill No. 20, entitled "An act to repeal certain Laws," reported back the bill, without amendments.

On motion,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Stewart offered the following resolution:

Resolved, That the courtesies of the House be extended to

Hon. W. F. M. Arny and R. Gilpatrick, and that they be invited to seats within the bar of the House.

Carried.

Mr. Columbia presented the petition of E. Heckensock, and thirty-four others, of Richardson county, against any change in the lines of said county.

Referred to the committee on Counties and County Lines.

On motion of Mr. McClure,

Resolved, That all local bills, except such as were ordered to be printed by the committee reporting the same, be recalled from the printer.

Which was agreed to.

Mr. Jameson, chairman of the committee on Public Roads, reported back Council Bill No. 177, entitled "An act authorizing E. F. Gregory, and others, to build a bridge," with amendment.

Mr. Cooper, chairman of the committee on Public Institutions, reported back Council Bill No. 191, entitled "An act to locate the Penitentiary," without amendment.

The committee on Conference, on the part of the House, to whom was referred the difference between the two Houses, on House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State Constitution," reported that they could not agree, and asked that they be discharged and another committee be appointed.

On motion of Mr. Speer,

The report was accepted.

The Speaker appointed Messrs. Speer, Hanna, Barry, Jameson and Stewart, as such committee.

On motion of Mr. Moore,

The House resolved itself into Committee of the Whole, for the consideration of the report of the committee on County Lines.

Mr. Morrill in the chair.

The committee arose, and, through the chairman, reported progress and leave to sit again, which was

Granted.

Message from the Council:

Mr. Speaker:—I have the honor to inform of the passage by the Council of the following bills:

House Bill No. 11, incorporating Highland University;

House Bill No. 7, establishing ferry on Big Blue River;

House Bill No. 6, incorporating Gardner Town Company;

House Bill No. 44, incorporating Dayton Town Company;

House Bill No. 157, legalizing assessment and collection of taxes, in Prairie City, Douglas county;

Council Bill No. 87, respecting horses and mules;

Council Bill No. 139, to incorporate the Topeka and Emporia Railroad Company;

Council Bill No. 137, to incorporate the Pittsburg Town Company;

Council Bill No. 136, to incorporate the Austerlitz Town Company;

Council Bill No. 74, "An act for reorganization of a Territorial Library;"

Council Bill No. 194, "An act to increase the compensation of Board of Commissioners;"

Council Bill No. 125, to facilitate teaming and emigration;

Council Bill No. 118, to regulate the sale of intoxicating liquors;

Council Bill No. 129, in relation to juries;

Council Bill No. 72, to punish trespass on School Land;

Council Bill No. 143, providing for town organizations.

J. K. GOODIN,
Secretary.

Mr. Barber, chairman of the committee on Ways and Means, reported back Council Bill No. 194, entitled "An act to increase the compensation of the Board of Commissioners of Election Frauds."

Mr. Owens introduced Bill No. 470, entitled "An act to organize and regulate the Militia of the Territory of Kansas."

Referred to the committee on Militia.

On motion of Mr. Mitchell,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Keller,

Resolved, That the courtesies of the House be extended to Mr. J. M. Dixon, J. W. Skinner and brothers, of Leavenworth City.

Carried.

Mr. Appelman introduced Bill No. 471, "An act to incorporate the Wakarusa Bridge Company."

Referred to the Committee on Corporations and Banking.

On motion,

The House resolved itself into committee of the Whole, Mr. Stratton in the chair, for the consideration of Council Bill No. 182, entitled "An act establishing certain banks in Kansas Territory."

The committee arose, and, through the chairman, reported back the bill, with amendments, asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Hanna,

The bill read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Mr. Barry offered the following as a rider:

That nothing in this act shall be so construed as to allow this corporation to hold, at any one time, more than —— number of acres of land, and

On motion of Mr. McClure,

The blank was filled with 5,000, which was

Agreed to, and the bill

Put upon its final passage.

The ayes and noes were called for, and the following is the result:

Ayes—Messrs. Appelman, Barber, Barry, Cooper, Danford, Elliott, of Leavenworth, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Moore, McClure, Mitchell, Pennock, Reynard, Speer, Seymour, Stratton, Wheeler, Zinn—23.

Noes—Messrs. Brock, Elliott, of Atchison, Morrill, Owens, Shannon—5.

Mr. Still was excused from voting.

Twenty-three in the affirmative, and five in the negative.

The bill passed, and

The title agreed to.

On motion of Mr. Elliott,

Council Bill No. 191, entitled "An act to locate the Penitentiary at the town of Delaware, Leavenworth county, Kansas Territory," was taken up, and

Read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to its third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirm-affirmative, and

The title agreed to.

Mr. Wheeler, chairman of the committee on Internal Improvements, introduced Bill No. 472, entitled "An act to provide for the incorporation of, and making general provisions in relation to Railroad Companies;"

Also, Bill No. 473, entitled "An act to incorporate the Arizona Town Company."

Referred to the committee on Corporations and Banking.

On motion of Mr. Moore,

House Bill No. 470, entitled "An act to organize the Militia," was taken up.

Mr. Hanna asked leave of absence.

Granted.

On motion of Mr. Keller,

House Bill No. 470, was made the special order for two o'clock P. M., on Monday next.

On motion,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

MONDAY, February 8, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Barber, Bassett, Curtis, Shannon, Stewart, Stratton, Wheeler.

Journal read and approved.

On motion of Mr. Cooper,

Resolved, That the courtesies of the House be extended to Col. John J. Moore, of Leavenworth City, and that he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Shannon,

Resolved, That the courtesies of the House be extended to Ernest Honick, of Richardson county, and that he be invited to a seat within the bar of the House.

Carried.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House that the Council has passed House Bill No. 300, entitled "An act to incorporate the Franklin Fire, Marine and Life Insurance Company, of Leavenworth City."

B. F. HUTCHINS,
Journal Clerk of Council.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council have passed House Bill No. 342, with the following amendments: In section first, strike out "Kansas City, Osage and Neosho Valley Railroad Company," and insert "Kansas River, Missouri, Osawatomie and Neosho Valley Railroad Company;" also, in section second, add "Kersey Coates, Cyrus Tater, William Wood, E. S. Nash, A. Danford, J. P. Root, Wm. McKay, Wm. T. Roberts, Marcus J. Parrott, J. Lykins and Silas Armstrong;" also, in section seven, after the word "Railroad," in second line, insert "from Wyandott, on the south side of the Kansas River;" striking all out of the section afterwards, to the word "thence," in the eighth line of said section, and inserting, after the word "thence," in the eighth line, the word "Osawatomie;" also, strike out the title, and insert "Kansas river, Missouri, Osawatomie and Neosho Valley Railroad Company."

G. A. COLTON,
Ass't Secretary.

Mr. McClure, chairman of the committee on Education, reported back Council Bill No. 74, entitled "An act for the reorganization of the Territorial Library."

Also, Council Bill No. 72, entitled "An Act to punish trespass on School Lands," with amendments.

Mr. Mitchell, chairman of the Committee on Corporations and Banking, reported back the following bills:

Council Bill No. 109, entitled "An act to incorporate the Missouri River Railroad Company."

Council Bill No. 152, entitled "An act to incorporate the Saint Joseph, Sumnerand Lawrence Railroad Company."

Council Bill No. 22, entitled "An act to incorporate the City of Wyandott."

Council Bill No. 166, entitled "An act to charter a ferry across the Kansas river, at Nevada City."

Council Bill No. 158, entitled "An act to incorporate the Kansas Falls Town Company."

Council Bill No. 149, entitled "An act to incorporate the Ghent Foundry," without amendment.

Council Bill No. 157, entitled "An act to incorporate the Blue Mont Central College Association."

Council Bill No. 192, entitled "An act to incorporate the Moneka University," with amendments.

House Bill No. 394, entitled "An act to incorporate Eagle City Company."

House Bill No. 245, entitled "An act to incorporate the Alma Association," with amendments.

House Bill No. 322, entitled "An act to incorporate Owatta Town Company."

House Bill No. 455, entitled "An act to incorporate the Covington Town Company."

House Bill No. 456, entitled "An act to incorporate the Newport Town Company."

House Bill No. 454, "An act to incorporate Oakland City."

House Bill No. 187, entitled "An act to incorporate the Salem Town Company;"

House Bill No. 197, "An act to incorporate the Gilead Town Company."

House Bill No. 195, entitled " An act to incorporate the Magnolia Town Company," without amendment.

Mr. Moore, chairman of the committee on Judiciary, reported back to the House Council Bill No. 44, entitled "An act to establish the office of Land District Recorder," without amendment.

Mr. Jameson, chairman of the committee on Public Roads, reported back Council Bill No. 186, entitled "An act to locate and establish certain Territorial roads," without amendment.

On motion of Mr. Hanna,

Resolved, That the Judiciary Committee of the House be instructed to confer with the Judiciary Committee of the Council, in reference to a plan by which the work of general legislation may be at once completed.

Carried.

Mr. Speaker:—The select committee, to whom was referred House Bill No. 19, entitled "An act to establish and charter a ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas."

Your committee have had the matter submitted to them under consideration, and submit the following report:

By reference to the statutes of Kansas passed in 1855, it appears that a charter was granted to John Stenwalt, to keep a ferry at Palermo for the term of twenty years; this charter was conditioned and not exclusive. It also appears, that in 1857, February 20th, F. M. Mahan and Job V. Kimber, their heirs and assigns, were authorized to establish and keep a ferry at Palermo for fifteen years. This charter was granted for exclusive privilege, and assignable. And, it appears from documents exhibited to us, that F. M. Mahan did, on the 23d day of May, 1857, sell and assign, for a valuable consideration, his interest in the said ferry to A. A. Jameson. And it further appears that the said A. A. Jameson did, on the 10th of June, 1857, convey his title and interest in and to said ferry, to the Palermo City Company. And that, also, John Steanwalt's title and interest to the ferry chartered in 1855, is owned by the said Palermo City Company. Therefore, your committee does not see any impropriety in the House passing the bill in its present form.

G. SEYMOUR,
A. BARRY,
S. S. COOPER.

House adopted the report of the committee.

Message from the Council:

Mr. Speaker:—I am instructed by the Council, to inform the House of Representatives, that the Council have passed the following concurrent resolutions:

Resolved, By the Council and House of Representatives of the Territory of Kansas, (the House concurring,) That the secretary of the Territory be authorized to purchase from J. D. Farren, of Douglas county, for the use and benefit of the Territory of Kansas, a copy of his enlarged map of said Kansas Territory, and that two hundred and fifty dollars are hereby appropriated for the purchase of the same.

G. A. COLTON,
Assistant Secretary.

On motion of Mr. Mitchell,

The concurrent resolutions were referred to a select committee of three, consisting of Messrs. Mitchell, Speer and Cooper.

Message from the Council:

Mr. Speaker:—I am instructed to inform the House of Representatives of the passage by the Council of Council Bill No. 42, "An act to incorporate Lane City Association."

J. K. GOODIN,
Secretary.

On motion of Mr. Danford,

Council Bill No. 42 was taken up and

Read a second time, and,

On motion of Mr. Mitchell,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Governor:

The Speaker of the House will please return the two bills incorporating the town company of Otto, and the Battle Hill Town Association, which I presumed, from the want of a proper location in the wording of the bills, were floating charters, or for towns not in existence. I find, from representations made to me by responsible parties, that they are for towns actually in being, and therefore withdraw my objections.

Respectfully, J. W. DENVER,
Feb. 6th, 1858. Acting Governor.

Mr. Speer moved that the House accede to the amendments of the Council to House Bill No. 41, entitled "An act to provide for the election of delegates to a convention to frame a State constitution."

Mr. Hanna moved the motion be laid on the table.

Carried.

On motion of Mr. Bassett,

House Bill No. 465, entitled "An act to repeal 'An act concerning corporations,'" was read a second time.

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House that the Council has passed the following bills:

House Bill No. 335 1-2, "An act to incorporate the Katauqua Town Company."

House Bill No. 197, "An act to incorporate the Gilead Town Company."

House Bill No. 465, "An act concerning corporations."

House Bill No. 188, "An act to incorporate the Fremont Town Company."

House Bill No. 211, "An act to incorporate the Marmaton Town Company."

Council Bill No. 87, "An act respecting horses and mules."

House Bill No. 342, "An act incorporating the Kansas City, Osage and Neosho Valley Railroad Company."

Council Bill No. 206, "An act incorporating Wyandott Bridge Company."

Also, that the Council have concurred in House resolution relating to a new committee of conference on House Bill No. 41, and have appointed, on the part of the Council, Messrs. Crozier, Nash and Patrick, said committee requesting your immediate action and report.

J. K. GOODIN,
Secretary.

Message from the Council:

MR. SPEAKER:—I am directed to inform that the Council have concurred in the amendments of the House to Council Bill No. 186, "An act to locate and establish certain Territorial roads."

Council Bill No. 213, "An act incorporating the Lawrence Fire, Marine and Life Insurance Company."

Council Bill No. 214, "An act incorporating the Osage Town Company."

Council Bill No. 211, "An act incorporating Randolph Town Company."

J. K. GOODIN,
Secretary.

On motion of Mr. Mitchell,

The House resolved itself into Committee of the Whole. Mr. Cooper in the chair, for the consideration of House Bills Nos. 13 and 288, entitled "An act for the incorporation of Towns and Villages."

The committee arose, and, through the chairman, reported back to the House, Bills Nos. 13 and 288 and recommended the consolidation of the bills, and asked the concurrence of the House.

The House concurred, and in that form House Bill No. 288 was

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. McClure introduced Bill No. 474, entitled "An act to incorporate the Wyandott City Bridge Company;"

Also, Bill No. 475. entitled "An act in relation to unclaimed Property."

Referred to committee on Corporations and Banking.

Also, Bill No. 476, entitled "An act to borrow money for Territorial purposes."

Referred to the Committee of Ways and Means.

On motion of Mr. Hanna,

Resolved, That the clerk immediately inform the Council that a new committee of conference, on House Bill No. 41, entitled "An act to provide for the election of delegates to a Convention to frame a State Constitution," has been appointed by the House, and that the House request like action on the part of the Council, and that the new committee of conference meet instanter, and report to their respective Houses.

Carried.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole, Mr. Appelman in the chair, for the consideration of Council Bill No. 186, entitled "An act to establish certain Territorial roads."

The Committee arose, and, through the chairman, reported back the bill, with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

Mr. Jameson offered the following additional section:

"That E. L. Maxley, Joseph Hicks and George W. Crump, are hereby appointed Commissioners to locate and establish a Territorial road from the residence of Geo. W. Crump to Osawkee."

With this section agreed to,

The bill was read a second time, and

On motion of Mr. Moore,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I have the honor to inform the House of Representatives that the Council have passed the following bills:

House Bill No. 464, "An act incorporating Carson Town Company."

House Bill No. 69, "An act incorporating Wilmington Town Company."

Council Bill No. 198, repealing "An act respecting Administrators."

Council Bill No. 205, "Incorporating the Wyandott, Minneola and Council Grove Railroad Company."

House Bill No. 264, "An act to incorporate a Hotel Company."

House Bill No. 385, "Incorporating St. Paul's Church, Leavenworth City."

Council Bill No. 197, "Creating offices of Auditor, Treasurer and Attorney General."

House Bill No. 361, "Incorporating the Neosho Valley and Jefferson City Railroad."

House Bill No. 219, "Incorporating White Cloud, Manhattan and Fort Riley Railroad Company,"

Council Bill No. 142, providing for county organizations;

Council Bill No. 203, to change the names of certain counties;

House Bill No. 123, incorporating Prairie city and Missouri State line Railroad Company;

Council Bill No. 199, chartering a ferry across Kansas river;

House Bill No. 138, establishing a ferry at Elwood;

House Bill No. 166, establishing a ferry at Douglas;

Council Bill No. 176, incorporating Sumner, Manhattan and Fort Riley Railroad Company;

House Bill No. 350, incorporating Kansas Telegraph Company;

House Bill No. 109, establishing a ferry at White Cloud;

House Bill No. 313, incorporating Mount Vernon Town Company;

House Bill No. 312, establishing a ferry across Grasshopper river;

House Bill No. 260, incorporating Wyandott Bridge Company;

House Bill No. 229, incorporating Leavenworth City, Hamlin and Nebraska Railroad Company;

House Bill No. 310, incorporating Osage Bridge Company;

Council Bill No. 201, incorporating St. Andrews Town Company;

House Bill No. 176, authorizing James Tooley to keep a ferry across the Kansas river;

House Bill No. 305, incorporating Waterloo Town Company;

House Bill No. 132, incorporating the Little Arkansas Bridge Company;

Council Bill No. 190, divorcing Edmund Burke Whitman and Angeline Whitman;

Council Bill No. 202, providing for collection of damages in certain cases;

Council Bill No. 138, incorporating Elden Town Association;

Council Bill No. 200, incorporating Rochester Town Association;

House Bill No. 194, incorporating Ghent Town Association;

House Bill No. 227, establishing a ferry across Kansas river;

Council Bill No. 76, legalizing the appointment of trustees, and regulating conveyances, for the city of Lawrence;

House Bill No. 155, incorporating Leavenworth city, Delaware and city of Lawrence Railroad Company;

Council Bill No. 198, entitled "An act repealing an act entitled 'An act respecting public administrators.'"

J. K. GOODIN,
Secretary.

On motion of Mr. Hanna,

Resolved, That the President of the Council is hereby requested to immediately communicate to the House what action, if any, the Council have taken on House Bill No. 79, entitled "An act in relation to the regulation and sale of spirituous liquors.

Carried.

On motion of Mr. Morrill,

Resolved, That no person, not a member or officer of the Legislature or Territorial Government, or a reporter of the press, shall be allowed within the bar of the House, for the remainder of the session, and that the sergeant-at-arms be requested to strictly enforce the above rule, without respect to persons.

Carried.

On motion of Mr. Moore,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Mitchell, chairman of committee on Corporations and Banking, introduced Bill No. 477, entitled "An act of the jurisdiction before Justices of the Peace, and of the duties of Constable in civil cases."

On motion of Mr. Danford,

The rules were suspended, and

The bill read a second time, and

On motion of Mr. Moore,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time,

Considered engrossed, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative.

The title agreed to.

Mr. Speer moved to take up Council Bill No. 100.

Lost.

On motion of Mr. McClure,

The House resolved itself into committee of the Whole, Mr. Pennock in the chair, for the consideration of House Bill No. 317, entitled "An act to establish the office of Comptroller of the Treasury."

The committee arose, and, through the chairman, reported back the bill to the House, with amendments, and asked the concurrence of the House.

The House concurred in the report of the Committee.

The bill read a second time.

On motion of Mr. Cooper,

The rules were suspended, and

The bill passed to the third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Stratton,

The House resolved itself into Committee of the Whole, Mr. Graham in the chair, for the consideration of House Bill No. 470, entitled "An act to organize and regulate the Militia of Kansas Territory."

The Committee arose, and, through the chairman, reported back the bill, to the House, with amendment, and asked the concurrence of the House.

The House concurred in the report of the committee.

The bill was read a second time.

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Hanna asked and obtained leave to introduce Bill No. 478, entitled "An act defining certain crimes therein specified, and affixing punishment thereto."

On motion,

The rules were suspended, and

The bill read a second time.

Mr. Wheeler introduced Bill No. 479, entitled "An act to provide for the seat of government of Doniphan county."

Referred to committee on Counties and County Lines.

Mr. Speer introduced Bill No. 480, entitled "An act defining the boundaries of Douglas county."

Referred to committee on Counties and County Lines.

Mr. Cooper moved to take up House Bill No. 273, entitled "An act in relation to official Bonds and Oaths."

The bill was read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives, that the Council has receded from their amendments in House Bill No. 342, excepting in addition to section two, adding the names of Kersey Coates, Cyrus Tator, Wm. Wood, E. S. Nash, A. Danford, J. P. Root, Wm. McKay, Wm. Y. Roberts, Silas Armstrong, Thomas H. Swope and A. F. Sherman; and in section seven, in the fourth line, after the word "River," insert "opposite the city of Wyandott and."

G. A. COLTON,
Ass't Secretary.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives of the passage, by the Council, of the following bills:

House Bill No. 425, extending time to Samuel V. Jameson, sheriff of Doniphan county, to collect Taxes due in said county."

Council Bill No. 206, "An act to incorporate the Wyandott Fire, Marine and Life Insurance Company."

Council Bill No. 196, "An act defining the boundaries of the counties west of the Guide Meridian, K. T."

Council Bill No. 207, incorporating the Elizabethtown Town Company.

Council Bill No. 208, incorporating the Holyoke Town Company.

Council Bill No. 206, incorporating the Wyandott Bridge Company.

Council Bill No. 33, incorporating a Ferry at the Town of Lawrence.

House Bill No. 226, incorporating the Tamaqua Town Company.

House Bill No. 258, incorporating Baker University.

Also, that the Council instruct me to inform, in pursuance to House resolution, that Council Bill No. 79, "An act regulating the sale of intoxicating Liquors," passed the Council February the 5th, and, that House Bill No. 159, "An act to suppress houses of ill fame," was lost in the Council, February the 3d.

J. K. GOODIN,
Secretary.

Message from the Council:

Mr. Speaker:—I have the honor to inform of the passage by the Council of the following bills:

Council Bill No. 114, to incorporate the First Presbyterian Church of Kansas, at Leavenworth City.

House Bill No. 259, defining the boundaries of the judicial districts, and prescribing the times and places of holding courts therein.

Council Bill No. 164, to encourage agriculture and the formation of agricultural societies.

Council Bill No. 105, incorporating the Ithaca Town Company.

Council Bill No. 90, incorporating the Armadilla Town Company.

Council Bill No. 81, incorporating the Panama Town Company.

Council Bill No. 80, incorporating the Burnett Town Company.

Council Bill No. 53, incorporating the Pattawatamie Town Company.

J. K. GOODIN,
Secretary.

On motion,

House Bill No. 342, entitled "An act to incorporate the Kansas City, Osage and Neosho Valley Railroad Company." as amended by the Council, was taken up.

The House refused to concur in the amendments.

On motion of Mr. Graham,

Council Bill No. 192, entitled "An act to incorporate the Moneka University," was read a second time, and,

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill read a third time, and

Put upon its final passage.

The ayes and noes were called for, with the following result:

Ayes—Messrs. Barry, Bassett, Brock, Columbia, Cooper, Curtis, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Keller, Lockhart, Moore, Owens, Orr, Pennock, Shannon, Speer, Seymour, Still—21.

Noes—Messrs. Bennett, Delong, McClure, Miller, Stratton, Wheeler, Zinn—7.

The bill was passed and

The title agreed to.

On motion of Mr. Moore,

The following bills were taken up, read a second and third time, and passed:

House Bill No. 10, entitled "An act in relation to District Attorneys."

House Bill No. 71, entitled "An act to establish a Territorial road from Topeka bridge to the Nebraska line."

House Bill No. 423, entitled "An act to incorporate the Leavenworth Turnverein."

House Bill No. 284, entitled "An act to regulate reference and arbitration."

House Bill No. 357, entitled "An act to incorporate the Wayland University."

House Bill No. 397, entitled "An act establishing the office of county treasurer, and defining the duties thereof."

House Bill No. 20, entitled "An act for the repeal of the statutes of Kansas Territory."

House Bill No. 478, entitled "An act defining certain crimes therein specified, and affixing punishment thereto."

House Bill No. 346, entitled "An act prescribing misdemeanors, and prescribing punishment therefor."

House Bill No. 365, entitled "An act relating to executors and administrators."

House Bill No. 245, entitled "An act to incorporate the Alma Association."

House Bill No. 322, entitled "An act to incorporate the Awatta Town Company."

House Bill No. 296, entitled "An act to incorporate the White Cloud Insurance Company."

House Bill No. 401, entitled "An act to provide more effectually for securing pre-emption rights of deceased persons."

House Bill No. 462, entitled "An act in relation to lunatics and habitual drunkards."

House Bill No. 431, entitled "An act establishing the office of county auditor, and defining the duties thereof."

House Bill No. 415, entitled "An act to exempt property from sale on execution."

House Bill No. 457, entitled "An act to incorporate Saline City."

House Bill No. 446, entitled "An act regulating weights and measures."

House Bill No. 436, entitled "An act to incorporate Palermo City."

House Bill No. 411, entitled "An act to incorporate the Hyatt Town Company."

House Bill No. 445, entitled "An act to incorporate the Kansas Town Company."

House Bill No. 433, entitled "An act to incorporate the City of Elwood."

House Bill No. 418, "An act to incorporate the city of Sumner."

House Bill No, 400, entitled "An act to incorporate the Petersburg Town Company."

House Bill No. 461, entitled "An act to grant a divorce to Susannah Layton."

House Bill No. 424, entitled "An act to incorporate the Oskaloosa Company."

House Bill No. 402, entitled "An act to provide for the recording of duplicates."

House Bill No. 324, entitled "An act to incorporate the Altena Town Company."

House Bill No. 409, entitled "An act to authorize aliens to hold land in the Territory of Kansas."

House Bill No. 451, entitled "An act to incorporate the Marmaton Town Company."

House Bill No. 419, entitled "An act to incorporate the Ewing College."

House Bill No. 453, entitled "An act to incorporate a Bridge Company to build a bridge across Grasshopper river."

House Bill No. 326, entitled "An act to incorporate the Waupego Town Company."

House Bill No. 453, entitled "An act to incorporate the Kewaunee Town Company."

House Bill No. 233, entitled "An act to suppress Gaming."

House Bill No. 463, entitled "An act to incorporate the Holton Seminary."

House Bill No. 428, entitled "An act referring the rights of persons claimed as fugitive slaves."

House Bill No. 234, entitled "An act relative to the County Commissioners of the several counties forwarding returns and surveys of roads, to the Treasurer's office."

House Bill No. 480, entitled "An act defining the boundaries of Douglas county."

House Bill No. 410, entitled "An act to change the name of Pottawattamie City to that of Mount Gilead, and to incorporate the town of Mount Gilead."

House Bill No. 347, entitled "An act regulating oaths and prescribing the forms of oath of office."

House Bill No. 345, entitled "An act defining felony and prescribing punishment therefor."

House Bill No. 261, entitled "An act regulating marriage."

House Bill No. 318, entitled "An act to prevent the circulation of private securities as a currency."

House Bill No. 395, entitled "An act to authorize C. C. Beebe to keep a ferry across the slough, to Rush Island, in Doniphan county."

House Bill No. 196, entitled "An act to incorporate the Hait Town Association."

House Bill No. 396, entitled "An act to incorporate the Mac Camish Town Company"

House Bill No. 336, entitled "An act to incorporate the Corydon Town Company."

House Bill No. 242, entitled "An act for the protection of Territorial Lands."

House Bill No. 308, entitled "An act to incorporate the Moneka Town Company."

House Bill No. 373, entitled "An act concerning nuisances."

House Bill No. 364, entitled "An act regulating the sale of Poisons."

This Bill, No. 364, was referred to a select committee of three, consisting of Messrs. Wheeler, Cooper and Shannon.

House Bill No. 390, entitled "An act to establish a Ferry across the Kansas river, at the town of St. George."

House Bill No. 388, entitled "An act to establish a Ferry on the Republican river."

House Bill No. 408 1-2, entitled "An act in relation to crimes and punishments."

House Bill No. 369, entitled "An act concerning Divorce and Alimony."

House Bill No. 253, entitled "An act to preserve the Peace of Elections."

On motion of Mr. McClure, the House resolved itself into committee of the Whole, Mr, Curtis in the chair, for the consideration of House Bill No. 26, entitled "An act to incorporate the Leavenworth, Lawrence and Southern Stage Company."

The committee arose, and, through the chairman, reported back the bill with amendments, and asked the concurrence of the House.

The House concurred in the amendments, and

The bill was read a second time.

On motion,

The rules were suspended and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

Council Bill No. 157, entitled "An act to incorporate the Blue Mont Central College Association," was

Read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

Council Bill No. 177, entitled "An act authorizing E. F. Gregory, and others, to build a Bridge across the Little Arkansas," was taken up, and

On motion of Mr. Mitchell,

The bill was amended as follows:

Strike out "E. F. Gregory," and insert "J. C. Crumbo."

As amended,

The bill was read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

Council Bill No. 50, entitled "An act to incorporate the Burlington Town Company," was

Read a second time, and,

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Orr,

Council Bill No. 77, entitled "An act to provide for the punishment of offenses against Private Property," was

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

Council Bill No. 87, entitled "An act concerning Horses and Mules," was

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

Mr. Cooper moved to lay the bill on the table.

Mr. Bassett moved to lay the motion of Mr. Cooper on the table.

Carried.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion,

Council Bill No. 62, entitled "An act prescribing the time for holding the District Courts, and defining their jurisdiction," was

Read a second time, and

Laid over.

On motion of Mr. Moore,

The following Council Bills were

Read a second and third time and passed:

Bill No. 190, entitled "An act divorcing Edmund Burke Whitman and Angelica Whitman;"

Council Bill No. 84, entitled "An act to incorporate the Blue River Bridge Company;"

Council Bill No. 184, entitled "An act to incorporate the Lawrence Bridge Company;"

Council Bill No. 183, entitled "An act to incorporate the Stubbs;"

Council Bill No. 162, "An act entitled 'An act to incorporate the Kansas Valley Railroad Company,'" which was

Indefinitely postponed.

Council Bill No. 22, entitled "An act to incorporate the City of Wyandott;"

Council Bill No. 74, entitled "An act for the organization of the Territorial Library;"

Council Bill No. 149, entitled "An act to incorporate the Ghent Foundry;"

Council Bill No. 158, entitled "An act to incorporate the Kansas Falls Town Company;"

Council Bill No. 166, entitled "An act to charter a ferry across the Kansas River, at Nevada City;"

Council Bill No. 72, entitled "An act to punish trespass on School lands;"

Council Bill No. 44, entitled "An act to establish the office of Land District Recorder;"

Council Bill No. 152, entitled "An act to incorporate the Wabaunsee Town Company;"

Council Bill No. 109, entitled "An act to incoporate the Missouri River Railroad Company."

On motion of Mr. Hanna,

Resolved, That the President of the Council be requested to immediately inform this House what action, if any, the Council has taken upon House Bill No. 24, entitled "An act to abolish and prohibit Slavery in the Territory of Kansas."

Carried.

On motion of Mr. Moore,

The following bills were taken up, read a second and third time and passed.

Council Bill No. 2, entitled "An act to incorporate the Big Blue City Association;"

Council Bill No. 77, entitled "An act to provide for recording contracts relating to land, and for other purposes;"

Council Bill No. 76, entitled "An act legalizing the appointment of trustees, and for regulating conveyances in the city of Lawrence."

House Bill No. 187, entitled "An act to incorporate the Salem Town Company;"

House Bill No. 195, entitled "An act to incorporate the Magnolia Town Company;"

Council Bill No. 187, entitled "An act dividing the Territory into Representative Districts;"

Council Bill No. 136, entitled "An act to incorporate the Austerlitz Town Company."

On motion,

House Bill No. 475, entitled "An act to incorporate the Arizonia Town Company," was

Read a second time, and

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. McClure,

House Bill No. 475, entitled "An act relative to unclaimed property," was

Read a second time, and

On motion,

The rules were suspended and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to

House Bill No. 482, entitled "An act making appropriations for the year 1858," was

Read a second time, and

On motion,

The rules were suspended, and the bill

Passed to its third reading.

On motion,

The bill was referred to a select committee of three, consisting of Messrs. Danford, Morrill and Speer.

On motion of Mr. Mitchell,

The House adjourned until 7 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. McClure,

Council Bill No. 100, "An act to incorporate the Wyandott Town Company," was

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title adopted.

Mr. Mitchell, chairman of the Committee on Corporations and Banking, reported back the following bills:

House Bill No. 376, "An act entitled an act to incorporate the Geneva Town Company;"

House Bill No. 352, "An act to incorporate the Belmont Town Association;"

House Bill No. 474, "An act to incorporate the Wyandott City Bridge Company," without amendment.

Mr. Barber, chairman of committee on Ways and Means, introduced Bill No 480, "An act entitled an act to provide a revenue for the year 1858;"

Also, Bill No. 481, "An act entitled an act making appropriations for the year A. D. 1858;"

Also, report back House Bill No. 386, "An act to authorize the county of Douglas to borrow money;"

Also, House Bill No. 475, "An act to borrow money for Territorial purposes;" without amendment.

Message from the Governor:

To the House of Representatives of the Legislative Assembly of the Territory of Kansas:

Gentlemen:—Herewith, I return, without approval, a bill entitled "An act to remove and permanently locate the seat of Government." The thirty-first section of the Organic Act declares "That the seat of government of said Territory is hereby temporarily located at Fort Leavenworth, and, that such portions of the public buildings as may not be actually used and needed for military purposes, may be occupied and used under the direction of the Governor and Legislative Assembly, for such public purposes as may be required under the provisions of this act."

Notwithstanding this, Governor Reeder thought proper to convene the Legislative Assembly at the town of Pawnee, under that clause of the twenty-second section of the same act, which declares that "the persons thus elected to the Legislative Assembly, shall meet at such place, and on such day, as the Governor shall appoint." After meeting at Pawnee, on Monday the 2d day of July, 1855, as required by the Governor's Proclamation, they adjourned and held the balance of the session at the Shawnee Manual Labor School. This action was had on the 6th, and they were to meet again at the place appointed (as they did) on the 16th day of July. During that session, the Legislative Assembly passed an act locating the permanent seat of government at Lecompton. On the third of March, 1855, Congress appropriated $25,000 for the erection of public buildings in Kansas; *Provided*, Said money or any part thereof, or of any portion of the money heretofore appropriated for this purpose, shall not be expended until the Legislature of said Territory shall have fixed, by law, the permanent seat of government. This was done by the act before referred to, fixing it at the town of Lecompton, and thereupon, the money thus appropriated, was applied to the erection of public buildings for the use of the Legislature of the Territory of Kansas. The same Legislature also passed an act fixing the second Monday of January, 1857, as the time, and "the seat of government" as the place, for the meeting of the Legislative Assembly, and an explanatory act designating the first Monday in January, of each year after 1857, as the time of meeting. Down to the beginning of the present session, the above was all the legislation ever had on this subject, and it will be seen that the act of Congress of March the third, 1855, is the only one giving to the Legislature of this Territory, any authority to act in the premises. That act assumes the character of a contract, in which Congress agreed to make certain expenditures on condition that the Territorial Legislature should first do a certain thing. The conditions were complied with by both parties, and, consequently, the Legislature of the Territory did, at that time, exhaust all the power ever given them over this subject. Until further authority is given, therefore, by act of Congress, the matter is entirely beyond your control.

In the preamble to the bill before me, it is asserted that "a body of men, assuming to be the representatives of the people, have located said seat of government at the town of Lecompton, a place ill suited to the wants and conveniences of the people, and the natural location thereof being such as to condemn it as acceptable to the people for the permanent capital of the Territory;" and further, "that the people of the Territory, through their duly elected Representatives, by virtue of the Organic Act, have the undoubtable right and power to remove, at any time, the seat of government thereof, to such a point or place as shall be deemed for the best interest and convenience of the whole people." Therefore, it is for these reasons, proposed to remove the seat of government from the town of Lecompton to the town of Minneola, and all the officers are required to remove their offices to that place before the first day of April next. The terms "permanent capital of the Territory," and "seat of government," are here used as synonymous.

The members of the present Legislature convened for the present session at Lecompton, and the only act you there carried out, of a Legislative character, was to adopt the following preamble and joint resolution, by an unanimous vote of the Council, and by a vote of twenty-two to two in the House of Representatives:

"WHEREAS, The Legislature of the Territory of Kansas is required by the statutes to meet at the capital of said Territory, to hold their several sessions; and

"WHEREAS, The halls provided for the holding of the annual sessions of said Legislature are inconvenient, in point of distance from each other, as well as uncomfortable and unsuitable, they being open and cold, and destitute of committee and other necessary rooms for the transaction of the legitimate business of the Legislature; and

WHEREAS, As there is a general lack of suitable accommodations for the members and officers of said Legislature; and

WHEREAS, Suitable accommodations can readily be obtained in other points in the Territory; therefore,

Be it Resolved, By the Governor and Legislative Assembly of the Territory of Kansas, That we do adjourn at eleven o'clock P. M., this evening, to meet in Lawrence, K. T., Friday, January the 8th, 1858, at 12 o'clock M., to hold the remainder of the present session, and that the secretary of the Territory be requested to procure suitable rooms for the accommodation of said Legislative Assembly in said city of Lawrence."

Having approved that resolution, and thereby fully recognized the validity of the laws under which we have been acting, I am not now prepared to take it back, and solemnly declare that what I then as solemnly asserted to be true, is untrue.

The location of the seat of government at the town of Lecompton has been acknowledged by the general government, by the expenditure of money for the erection of public buildings; it was acknowledged by me, when I kept the executive office there; it was acknowledged by you, when you convened there; it was acknowledged by us, conjointly, when we adopted the foregoing resolution, (in all of which, in my opinion, we had no other alternative,) and, neither before nor since that time, has Congress given us any authority to change it. The adjournment from Lecompton to this place was, as alleged, for the want of suitable or sufficient accommodations.

The temporary removal of the Legislature, in July, 1855, from

Pawnee to Shawnee Manual Labor School, it is alleged, was forced on the Legislature, for the reason that, at Pawnee, there was no place of accommodation, and members had to camp out, sleep in their wagons or tents, and cook their own provisions.

The bill before me requires the Territorial officers (whose offices are required to be kept at the seat of government,) to remove from a place where they have sufficient and comfortable accommodations, to a point where they would have to camp out, sleep in their wagons or tents, and cook their own provisions, and that, too, at a season of the year when the weather is usually very inclement in this latitude. No buildings have been prepared for the use of the officers, nor can there be, within the month or six weeks intervening, nor have I been able to ascertain that Minneola has anything more than a descriptive existence on paper. If, therefore, the reasons heretofore assigned for such removals may be regarded sufficient, the same reasons are likely to exist next year, (if this proposition can be carried out,) and the "permanent seat of government" may again be removed, for the benefit of some other paper town, which may be found more needy than Minneola.

With these objections, the bill is herewith returned to the House in which it originated.

J. W. DENVER,
Feb. 8, 1858. Acting Governor.

Mr. Hanna moved to reconsider the vote by which the bill was passed.

Mr. Elliott, of Leavenworth, moved to postpone the further consideration until 7 o'clock, Friday next.

On motion of Mr. Hanna,

The motion of Mr. Elliott was laid on the table.

Mr. Danford asked for a call of the House, which was had.

All present but Mr. Adkins, who had not been present during the session, and

On motion,

The further call of the House was dispensed with.

The question was now on the final passage of the bill, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, and resulted as follows:

Ayes—Messrs. Appelman, Barber, Barry, Basset, Columbia, Cooper, Curtis, Danford, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Shannon, Seymour, Still, Stewart, Zinn—28.

Noes—Messrs. Brock, Bennett, Delong, Elliott, of Leavenworth, Lockhart, Miller, Speer, Stratton, Wheeler—9.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 478, "An act defining certain crimes, and affixing punishment thereto."

Mr. Mitchell in the chair.

The committee arose, and, through the chairman, reported back the bill, without amendment, and asked the concurrence of the House.

The House concurred.

On motion,

The rules were suspended, and

The bill read a second time, and

On motion of Mr. Hanna,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Curtis, Delong, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Owens, Orr, Pennock, Reynard, Shannon, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—32.

Noes—Messrs. Bennett, Mitchell and Miller.

Message from the Council:

MR. SPEAKER:—I have the honor to present to the House of Representatives an extract from the journal of the Council, informing of the passage of Council Bill No. 73, entitled "An act defining the jurisdiction of Probate Courts."

ASAPH ALLEN,
Assistant Clerk.

On motion of Mr. Moore,

Council Bill No. 73, entitled "An act defining the jurisdiction of Probate Courts," was taken up, and

On motion,

The House resolved itself into committee of the Whole for the consideration of the bill.

Mr. Seymour in the chair.

The committee arose, and, through the chairman, reported back the bill, with amendment, and asked the concurrence of the House.

The House concurred.

The bill was read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The following bills were

Read a second and third times and passed:

House Bill No. 243, entitled "An act to incorporate the Young Men's Association of the City of Leavenworth."

House Bill No. 319, entitled "An act to incorporate the Kansas Stage Company."

House Bill No. 263, entitled "An act in reference to Electric Telegraph Lines."

House Bill No. 468, entitled "An act to incorporate the Grenada Town Company."

House Bill No. 472, entitled "An act to provide for the incorporation of, and making general provision in relation to, Railroad Companies."

House Bill No. 198, entitled "An act to incorporate the Pawnee Town Association."

House Bill No. 469, entitled "An act to incorporate the Kansas City Bank, City Bank of Topeka, and Bank of Lawrence."

Council Bill No. 178, "An act to authorize Cities and Towns to take stock in Railroads."

Council Bill No. 198, "An act repealing an act respecting Public Administrators."

Council Bill No. 117, "An act to incorporate the Lawrence Hydraulic Works."

Council Bill No. 206, "An act to incorporate the Wyandott Fire and Marine Insurance Company."

Council Bill No. 205, "An act to incorporate the the Wyandott, Minneola and Council Grove Railroad Company."

Council Bill No. 140, "An act to incorporate the Delaware and Lawrence Railroad Company."

Council Bill No. 75, "An act to incorporate the Town of Port William."

Council Bill No. 113, "An act to incorporate the Delaware Town Company, of Lawrence."

Council Bill No. 176, "An act to incorporate the Lawrence Manhattan and Fort Riley Railroad Company."

Council Bill No. 139, "An act to incorporate the Topeka and Emporia Railroad."

Council Bill No. 138, "An act to incorporate the Elden Town Company."

Council Bill No. 200 "An act incorporating Rochester Town Company."

Council Bill No. 95, "An act to incorporate the Ottawa Town Company."

Council Bill No. 104, "An act entitled 'An act repealing an act to prohibit the circulation of paper currency of a less denomination than one dollar;' " which bill was

Laid on the table.

On motion of Mr. Hanna,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

TUESDAY, Feb. 9, 1858, }
NINE O'CLOCK A. M. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Danford and Mitchell.

Journal read and approved.

J. B. Spencer, A. Y. Young and Samuel J. Christley, Assistant Enrolling Clerks, appeared at the Speaker's stand, were qualified, and entered upon the duties of their office.

Petitions, memorials and remonstrances being in order,

Mr. Jenkins presented a remonstrance from J. D. Mitchell and ninety-four others, citizens of Riley county, against any change in the boundary lines of said county.

Also, from Joseph Rounsell, and forty-two others, on the same subject.

Referred to the committee on Counties and County Lines.

Also, a petition from John Bayles and twenty-seven other citizens of Doniphan county, praying for a Territorial road from Palermo, via Highland, to Foy's ferry.

Mr. Graham presented the petition of Henry Snyder and one hundred and seventeen others, praying for a Territorial road from Atchison to Iowa Point, which were

Referred to the committee on Counties and County Lines.

Reports from standing committees being in order, Mr. Cooper, member of the committee on Counties and County Lines, reported back Council Bill No. 196, entitled "An act defining the boundaries west of the Guide Meridian, Kansas Territory," without amendment.

Mr. Stratton, chairman of the committee on Counties and County Lines, reported back Council Bill No. 203, entitled "An act to change the name of certain counties therein named, and for other purposes," with amendment.

Mr. Seymour, chairman of the committee on Public Printing, reported back House Bill No. 120, entitled "An act to provide for the printing of the laws passed by the Legislative Assembly, in Kansas Journals," with amendment, and without recommendation, and would introduce, in its stead, Bill No. 479, entitled "An act establishing the office of Public Printer, and to provide for the printing and distribution of the Laws and Journals."

Mr. Pennock, chairman of the committee on Agriculture and Manufactures, reported back Council Bill No. 164, entitled "An act to encourage Agriculture and Agricultural Societies."

Mr. Jameson, chairman of the committee on Public Roads, reported back to the House, Council Bill No. 199, entitled "An act to charter a ferry across the Kansas river," and recommend its passage.

Council Bill No. 128, entitled "An act relating to Highways and Bridges," without suggestion or recommendation.

Mr. Mitchell, chairman of the committee on Corporations and Banking, reported back to the House the following bills:

Council Bill No. 80, entitled "An act to incorporate the Ithaca Town Company."

Council Bill No. 114, entitled "An act to incorporate the Presbyterian Church of Kansas, at Leavenworth City, Kansas Territory."

Council Bill No. 206, entitled "An act to incorporate the Wyandott Bridge Company."

Council Bill No. 208, entitled "An act to incorporate the Holyoke Town Company."

Council Bill No. 33, entitled "An act to incorporate a ferry at Lawrence, Kansas Territory."

Council Bill No. 211, entitled "An act to incorporate the Randolph Town Company."

Council Bill No. 214, entitled "An act to incorporate the Arago Town Company."

Council Bill No. 7, entitled "An act to incorporate the Elizabeth Town Company," without amendment.

Mr. Morrill, chairman of Special Committee on Northern Boundary Line of Kansas, made a report, which was read and made the special order for 7 o'clock P. M.

Mr. Danford, chairman of the Select Committee to whom was referred House Bill No. 482, entitled "An act making appropriations for the year 1858, in the Territory of Kansas," report the same back without amendment.

Mr. Speer, chairman of the committee on Elections, to whom was referred Council Bills Nos. 142 and 143, respecting county and town organizations, respectfully report that other bills have already [been] passed, by this body, with which those under consideration would not conform, and therefore recommend the appointment of a committee of Conference, composed of three members of the House and two members of the Council.

Report accepted.

The Speaker appointed Messrs. Owens, Hanna and Moore said committee on the part of the House.

Mr. Lockhart, chairman of the select committee, to whom was referred House Bill No. 319, entitled "An act to incorporate the Kansas Stage Company," made the following report:

Your committee would report the above bill back with the following amendment:

"Such company shall be capable of purchasing and holding not more than three hundred and twenty acres of land in one body. Such bodies of land not to be located within twenty miles of each other," and, thus amended, recommend its passage.

Mr. McClure, chairman of the select committee on Joint Resolutions, made the following report:

The special committee, to whom was referred joint memorial asking Congress for a grant of land for railroad purposes, have had the same under consideration, and beg leave to report a substitute.

Mr. Hanna offered the following:

WHEREAS, Several House Bills of general interest and importance have been passed by the House, sent to the Council, and were never after heard from, among which are the following: "An act abolishing and prohibiting Slavery;" "An act concerning the retail of spirituous and intoxicating liquors;" "An act to suppress houses of Ill Fame," and

WHEREAS, It is due that the people should know where the responsibility rests, of the defect of such important measures, therefore

Resolved, That the clerk of the House be requested to call on the clerk of the Council, immediately, and ascertain in whose hands said bills are, and what has been done with the same, and communicate the facts to the House.

Carried.

Mr. Still introduced Bill No. 487, entitled "An act to provide for the erection of certain monuments."

Referred to the committee on Public Institutions.

Mr. Jenkins introduced Bill No. 488, entitled "An act to incorporate the Louisville Bridge Company."

Referred to the committee on Corporations and Banking.

Also, Bill No. 489, entitled "An act to incorporate the Williamsburgh Manufacturing Company."

Referred to the committee on Corporations and Banking.

Mr. Danford introduced Bill No. 490, entitled "An act to repeal all acts and parts of acts relating to slavery."

On motion of Mr. Moore,

Rule 49 was suspended, and

The bill read a second time, and,

On motion of Mr. Danford,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

On motion,

Was laid on the table.

Mr. Moore, chairman of the committee on Judiciary, reported back to the House Council Bill No. 219, entitled "An act to authorize the city council of the city of Leavenworth to subscribe to the Leavenworth and Hannibal Railroad Company," without amendment.

The bill was then read a second time.

On motion of Mr. Moore,

The rules were suspended, and

The bill passed to a third reading.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Curtis introduced Bill No. 491, entitled "An act to provide for an election to permanently locate the county seat of Franklin county."

Referred to the committee on Elections.

Message from the Council:

Mr. Speaker:—I have the honor to inform that the Council has passed the following memorial of the Legislative Assembly to Congress, asking your favorable consideration therein.

J. K. GOODIN,
Secretary.

Mr. Hanna moved that the concurrent joint resolutions of the Council, be referred to a select committee of three.

The Speaker appointed Messrs. Hanna, Danford and Graham said committee.

Mr. Speer introduced Bill No. 492, entitled "An act creating the counties of Osceola and Kaw, and defining their boundaries."

Referred to committee on Counties and County Lines.

Mr. Seymour introduced Bill No. 493, entitled "An act establishing the office of Public Printer."

Referred to the committee on Public Printing.

Message from the Governor:

To the House of Representatives:

GENTLEMEN: —I have this day approved the following acts:

"An act concerning the assignment of Judgments and Decrees."

"An act authorizing the appointment of Commissioners of Deeds in the States and Territories, and prescribing their duties."

"An act concerning several provisions regarding landlords, tenants, lessors and lessees."

"An act to incorporate the Franklin, Fire, Marine and Life Insurance Company, of Leavenworth."

"An act to change the name of Eliza Hamilton, and make her heir-at-law of H. J. Canniff."

"An act to provide for the regulation of the running at large of Swine."

"An act to incorporate the Muscotah Town Company."

"An act to incorporate the Dover Town Company."

"An act to incorporate the Kickapoo Town Association."

Feb. 8, 1858. J. W. DENVER,
Acting Governor.

Message from the Speaker's table:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, the bills entitled as follows:

"An act to incorporate the Fredonia Town Company."

"An act to incorporate the Chesterfield Town Company."

"An act to incorporate the Eldridge Town Company."

"An act entitled 'An act to incorporate the Buffalo Town Company."

"An act to incorporate the Otsego Town Company."

"An act to incorporate the Chelsea Town Company."

"An act to incorporate the Union City Town Company."

"An act to incorporate the Unadilla Town Company."

"An act to incorporate the Waynesburg Town Company."

"An act to incorporate the Sanfoxie Town Company."

"An act to incorporate the Annapolis Town Company."

"An act to incorporate Crittenden Town Association."

"An act to incorporate the New Hampshire Town Association."

"An act to incorporate the Cumberland Town Company."

"An act to incorporate the Bath Town Company."

"An act to incorporate the Chester Town Company."

"An act to incorporate the Kaskaskia Town Company."

"An act to incorporate the Cresco Town Company."

"An act to incorporate the Springfield Town Company."

"An act to incorporate the Dayton Town Company, Marshall county, Kansas Territory."

All these bills are for floating charters, except one, and that is intended to be located in the county of Dorn, which is wholly within an Indian reservation, and, therefore, does not come under our jurisdiction, according to the provisions of the Organic Act. My reasons for not approving floating charters have heretofore been given, and it is not necessary to repeat them. The bills are, therefore, returned to the House in which they originated.

Feb. 9, 1858. J. W. DENVER,
Acting Governor.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives, that the Council has passed the following bills:

Council Bill No. 210, "An act creating a new county of Leavenworth and Johnson;"

Council Bill No. 103, "An act to provide for Elections;"

House Bill 409, "An act to authorize aliens to hold land in this Territory by purchase or otherwise;"

House Bill No. 457, "An act to incorporate the Saline City Association;"

House Bill No. 461, "An act to grant a divorce to Susanna Layton;"

House Bill No. 431, "An act establishing the office of County Auditor, and defining the duties thereof;"

House Bill No. 396, "An act to incorporate McCamish Town Company;"

House Bill No. 366, "An act concerning labor."

House Bill No. 196, "An act to incorporate the Kent Town Company."

House Bill No. 423, "An act to incorporate a Bridge Company at Uniontown and Grasshopper Creek."

House Bill No. 451, "An act to incorporate Marmaton Town Company."

House Bill No. 388, "An act to establish a ferry on the Republican river."

Council Bill No. 218, "An act to provide for the erection of a bridge across the Big Stranger, in Leavenworth county."

House Bill No. 308, "An act to incorporate the Moneka Town Company."

House Bill No. 233, "An act to suppress gaming."

House Bill No. 415, "An act to exempt certain property from execution and attachment."

House Bill No. 445, "An act incorporating the Kanwaca Town Company."

House Bill No. 433, "An act to incorporate the city of Elwood."

House Bill No. 418, "An act to incorporate the city of Sumner."

House Bill No. 446, "An act regulating weights and measures."

Council Bill No. 219, "An act to authorize the city of Leavenworth to subscribe to the Leavenworth and Hannibal Railroad Company."

House Bill No. 395, "An act to authorize C. Beeler to keep a ferry across the slough to Rock island, in Doniphan county."

House Bill No. 390, "An act to establish a ferry across the Kansas river, at the town of St. George."

House Bill No. 441, "An act to grant a divorce to Mary B. Myers."

House Bill No. 324, "An act to incorporate the Altema Town Company."

House Bill No. 347, "An act regulating oaths, and prescribing oaths of office."

House Bill No. 410, "An act to change the name of Pottawattamie City to Mount Gilead."

House Bill No. 37, "An act relating to guardians."

House Bill No. 322, "An act to incorporate the Owatta Town Company."

House Bill No. 419, "An act to incorporate the Ewing College Association."

House Bill No. 453, "An act to incorporate Kewanna Town Association."

House Bill No. 317, "An act to abolish the office of Comptroller of the Treasury and Territorial Treasurer, and to provide for the election by the people of Auditor General and Fiscal Agent, and defining their powers and duties."

House Bill No. 345, "An act defining felony, and prescribing the punishment thereof."

House Bill No. 261, "An act regulating marriage."

House Bill No. 59, "An act to incorporate and establish the city of Leavenworth."

Council Bill No. 204, "An act to incorporate the Elwood Savings Institute."

Council Bill No. 222, "An act incorporating the city of Olathe."

House Bill No. 392, "An act incorporating Sumner University."

Council Bill No. 227, "An act denfiing the boundaries of Riley County."

J. K. GOODIN,
Secretary.

On motion of Mr. Pennock,

The vote on House Bill No. 298, entitled "An act to incorporate the Kansas Brick and Stone Manufacturing Company," was reconsidered, and the bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called.

Ayes—Messrs. Barber, Barry, Bassett, Columbia, Cooper, Danford, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Shannon, Speer, Still, Stewart—26.

Noes—Messrs. Appelman, Brock, Bennett, Curtis, Miller, Seymour, Wheeler, Zinn—8.

The bill passed, and

The title agreed to.

Mr. Hanna introduced Bill No. 494, entitled "An act supplemental to an act to remove and permanently locate the seat of government."

On motion,

Rule 49 was suspended, and

The bill read a second time, and

On motion,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I have the honor to inform the House of Representatives that the Council have passed House Bill No. 19, to charter a Ferry at Palermo.

House Bill No. 373, "An act concerning Nuisances."

House Bill No. 242, "An act protecting Territorial roads."

House Bill No. 400, "An act incorporating the Petersburg Joint Stock Company."

House Bill No. 411, "An act incorporating the Hyatt Town Company."

House Bill No. 243, "An act incorporating the Young Men's Association of the City of Leavenworth."

House Bill No. 234, "An act relative to County Commissioners of the several counties forwarding returns and surveys of roads to the Secretary's office, and for other purposes."

J. K. GOODIN,
Secretary.

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN:—I have this day approved "An act relative to Fugitives from other States and Territories."

Also, "An act to declare certain persons privileged from arrest on Civil Process."

Also, "An act concerning Trusts and Powers."

Also, "An act to enable Trustees to receive lands and donations, and convey the same, for the use of Schools, Churches, Religious Societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of Cemeteries, houses of Worship, or other buildings therein mentioned."

Also, "An act repealing an act concerning patrols."

Also, "An act to incorporate the West Claytonville Town Company."

Also, "An act to incorporate the Springville Town Company."

Also, "An act to incorporate the Clayton Town Company."

Also, "An act to incorporate the Osage City Association."

Also, "An act to incorporate the Ottawa Town Company."

Also, "An act to incorporate the Marmaton Town Company."

Also, "An act to incorporate the Sabetha Town Company."

Also, "An act to incorporate the Maires Town Company."

Also, "An act incorporating the Leavenworth Ferry Company."

Also, "An act incorporating a Ferry across the Missouri river, at Quindaro."

Also, "An act to incorporate the Cottonwood Bridge Company."

Also, "An act to incorporate the Fall River Town Company."

Also, "An act to incorporate the Eldorado Town Company."

J. W. DENVER,
Feb. 6th, 1858. Acting Governor.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives, that the Council have passed the following bills:

House Bill No. 1, "An act to provide for the election of county officers of Leavenworth county."

House Bill No. 284, "An act to incorporate the Wenona Town Company."

House Bill No. 346, "An act defining misdemeanors, and prescribing punishment therefor."

House Bill No. 408½, "An act in relation to Crime and Punishment."

House Bill No. 245, "An act to incorporate the Ottawa Town Association."

House Bill No. 462, "An act in relation to Lunatics and Habitual Drunkards."

Council Bill No. 217, "An act to incorporate a company to carry Express."

House Bill No. 296, "An act to incorporate the White Cloud Insurance Company."

House Bill No. 424, "An act to incorporate the Oskaloosa Bridge Company."

House Bill No. 19, "An act to establish and charter a Ferry across the Missouri river, at the city of Palermo, in the Territory of Kansas."

House Bill No. 369, "An act concerning Divorce and Alimony."

House Bill No. 365, "An act relating to Administrators and Executors."

House Bill No. 397, "An act establishing the office of county Treasurer, and defining the duties thereof."

House Bill No. 357, "An act to incorporate the Wayland University."

House Bill No. 323, "An act to incorporate Leavenworth Turnverein."

J. K. GOODIN,
Secretary.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives that the Council have passed the following bills:

House Bill No. 476, "An act relative to the disposition of unclaimed property."

House Bill No. 436, "An act incorporating Palermo City Company."

House Bill No. 463, "An act incorporating Holton Seminary."

J. K. GOODIN,
Secretary.

On motion of Mr. Cooper, the following bills were taken up, and

Read a second and third time, and

Passed.

Council Bill No. 164, An act to encourage Agriculture, and the formation of Agricultural Societies."

Council Bill No. 199, "An act to charter a ferry across the Kansas River."

Council Bill No. 125, "An act to facilitate teaming and emigration."

Council Bill No. 68, "An act to incorporate Wea Company,"

Council Bill No. 70, "An act to incorporate the Garrison Town Company."

Council Bill No. 98, "An act to incorporate the Shell Rock Town Company."

Council Bill No. 108, "An act to incorporate the Minnehaha Town Company,"

Council Bill No. 158, "An act to incorporate the Canema Town Company."

Council Bill No. 58, "An act to incorporate the City of White Cloud."

Council Bill No. 123, "An act to incorporate the Trenton Town Company."

Council Bill No. 201, "An act to incorporate the St. Andrews Town Company."

Council Bill No. 159, "An act to incorporate the town of Armistead."

Council Bill No. 165, "An act to incorporate the Simpson Town Company."

Council Bill No. 167, "An act to incorporate the Sepo Town Company."

Council Bill No. 127, "An act to amend an act to incorporate the Missouri River and Rocky Mountain Railroad Company."

Council Bill No. 115, "An act to incorporate the Pechalka Town Company."

Council Bill No. 193, "An act to incorporate the Palermo Railroad Bridge Company."

Council Bill No. 188, "An act supplemental to an act to incorporate the St. Joseph and Topeka Railroad Bridge Company."

Council Bill No. 168, "An act to incorporate the Buelah Town Company."

Council Bill No. 94, "An act to create a Territorial Board of Equalization."

Council Bill No. 141, "An act to incorporate the Leavenworth, Lawrence and Burlington Railroad Company."

The following bills were taken up, read, and

Laid on the table.

Council Bill No. 66, "An act to incorporate the Kapioma Town Company."

Council Bill No. 116, "An act to incorporate the West Claytonville Town Company."

Council Bill No. 121, "An act to incorporate the Jefferson Town Company."

Council Bill No. 102, "An act to incorporate the Vermillion Town Company."

Council Bill No. 161, "An act to incorporate the Lineville Town Company."

Council Bill No. 122, "An act to incorporate the East Ashland Town Company."

Council Bill. No 135, "An act to incorporate the Minneapolis Town Company."

Council Bill No. 120, "An act to incorporate the Richland Town Company."

Council Bill No. 110, "An act to incorporate the Quindaro Library Association."

Council Bill No. 124, "An Act to incorporate the Blackford Town Company.

Council Bill No. 126, "An act to incorporate the Leavenworth Mutual Insurance Company."

On motion of Mr. Moore,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Elliott, of Leavenworth,

Resolved, That the courtesies of the House be extended to Elder Pardee Butler, and that he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Stratton,

The House resolved itself into Committee of the Whole, for the consideration of Council Bill No. 203, entitled "An act providing for the temporary locating of County Seats."

Mr. Appelman in the chair.

The Committee arose, and, through the chairman, reported back the bill, with sundry amendments, and asked the concurrence of the House.

The House concurred, and

The bill was read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Stratton, chairman of the committee on Counties and County Lines, reported back House Bill No. 491, entitled "An act defining the boundaries of the counties of Osceola and Kaw."

On motion,

Rule 49 was suspended, and

The bill read a second time.

On motion of Mr. Speer,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Morrill,

House Bill No. 474, entitled "An act providing for the location of certain County Seats," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to

On motion of Mr. McClure,

Council Bill No. 206, entitled "An act to incorporate the Wyandott Bridge Company," was taken up, and

Read a second time, and

On motion,

The rules were suspended and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives that the Council has passed the following bills:

Council Bill No. 223, "An act repealing an act entitled 'An act to incorporate the town of Columbia;'"

Council Bill No. 222, "An act to incorporate the City of Olathe;"

Council Bill No. 197, "An act supplemental to an act to establish certain Banks in Kansas Territory;"

Council Bill No. 225, "An act to incorporate the St. Joseph and Topeka Telegraph Company;"

Council Bill No. 226, "An act to incorporate the Topeka Life, Fire, Marine Insurance Company;"

House Bill No. 24, "An act to prohibit slavery," with amendments;

Also, that the Council have concurred in the amendments, as made by conference committee, to House Bill No. 41;

Also, that the Council have passed Council Bill No. 221, "An act to incorporate the Osage Bridge Company;"

Also, House Bill No. 408, "An act to remove and permanently locate the seat of Government," the Governor's objections to the contrary notwithstanding;"

Council Bill No. 91, "An act to provide for the assessment and collection of Taxes."

J. K. GOODIN,
Secretary.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House that the Council have passed the following bills:

Council Bill No. 220, "An act to divorce Alma Morton and Susan, his wife;"

House Bill No. 480, "An act granting a divorce to Anne E. Delange;"

Council Bill No. 230, "An act divorcing Isaac W. Zane and Virginia Helen, his wife;"

Also, Joint Memorial to Congress for an appropriation to build a Penitentiary in the Territory of Kansas;"

Also, that the Council has refused to concur in the House amendment to Council Bill No. 177, entitled "An act authorizing E. F. Gregory to build a bridge across Little Arkansas River."

J. K. GOODIN,
Secretary.

On motion of Mr. Bassett,

Resolved, That the House will recede from the amendment to Council Bill No. 177, and that we will concur in the bill as reported by the Council.

Lost.

On motion of Mr. Cooper,

Council Bill No. 177, entitled "An act authorizing E. F. Gregory to build a bridge across the Little Arkansas River," was taken up, and

Referred to a select committee of three, consisting of Messrs. Cooper, Mitchell and Bassett.

Message from the Council:

Mr. Speaker:—I have the honor to inform of the passage of Council Bill relating to Lawrence charter, the Governor's objections to the contrary notwithstanding.

J. K. GOODIN,
Secretary.

On motion of Mr. Speer,

The above message was made the special order for ten o'clock to-morrow.

Message from the Council:

MR. SPEAKER:—I have the honor to inform that the Council have passed Council Bill No. 3, entitled "An act repealing an act to punish offences against slave property," the Governor's objections to the contrary notwthstanding.

J. K. GOODIN,
Secretary.

The above bill with accompanying message were received, and the bill put upon its final passage, the objections of the Governor notwithstanding.

The ayes and noes were called for, with the following result:

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Cooper, Curtis, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Reynard, Shannon, Speer, Seymour, Still, Stewart, Stratton, Wheeler—32.

Noes—Messrs. Bennett and Miller—2.

Thirty-two in the affirmative and two in the negative.

The bill was passed and

The title adopted.

Message from the Council:

MR. SPEAKER:—I am ordered by the Council to inform the House of Representatives that the Council have passed Council Bill No. —, entitled "An act repealing the enactments of the Territorial Legislative Assembly, at its first and second sessions," and ask your immediate action thereon.

B. F. HUTCHINS,
Journal Clerk.

On motion of Mr. Danford,

The above message was made the special order for eight o'clock this P. M.

On motion of Mr. Stratton,

Resolved, By the House of Representatives (the Council concurring) That the members comprising the Military Board, elected by a joint convention of both Houses, at the extra session of the Legislature at Lecompton, in December 1857, be and the same are hereby retained in their respective offices, in accordance with the provisions of the original bill, as amended, and which has been repassed at the present session.

On motion of Mr. Bassett,

Council Bill No. 220, entitled "An act to divorce Abram Morton and Susan, his wife," was taken up, and

Read a second time.

The petition accompanying the bill was also read, and

On motion,

The rules were suspended, and the bill

Passed to its third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

The House adjourned.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Moore,

Resolved, That the courtesies of the House be extended to Gen. G. W. McLean, editor of the "Daily *Ledger*," Leavenworth City, and that he be invited to a seat within the bar of the House.

Carried.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole, Mr. Barry in the chair, for the consideration of the majority and minority reports of the special committee on memorial to Congress, asking annexation of a southern portion of Nebraska.

The committee arose, and, through the chairman, reported progress and asked leave to sit again, which was

Granted.

On motion of Mr. Stratton,

Council Bill No. 197, entitled "An act to establish certain Banks in Kansas Territory," was taken up, and

Read a second time.

On motion of Mr. Mitchell,

The House resolved itself into committee of the Whole, Mr. Seymour in the chair, for the consideration of the bill.

The committee arose, and, through the chairman, reported back the bill, with the enacting clause striken out.

The ayes and noes were demanded on the report of the committee, with the following result:

Ayes—Messrs, Brock, Columbia, Curtis, Elliott, of Atchison, Graham, Hatterscheidtt, Morrill, McClure, Owens, Shannon, Seymour, Stewart—12.

Noes—Messrs. Appelman, Barber, Barry, Bassett, Cooper, Delong, Danford, Hanna, Jameson, Jenkins, Keller, Lockhart, Moore, Mitchell, Orr, Speer, Still, Stratton, Wheeler—19.

The House refused to concur in the report of the committee.

On motion of Mr. Danford,

The bill was read a second time, and

On motion of the same,

The rules were suspended, and the bill

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided by the following vote:

Ayes—Messrs. Appelman, Barber, Bassett, Cooper, Danford, Elliott, of Leavenworth, Hanna, Jameson, Jenkins, Keller, Lockhart, Moore, Mitchell, Orr, Speer, Still, Stratton, Wheeler—18.

Noes—Messrs. Barry, Brock, Columbia, Curtis, Elliott, of Atchison, Graham, Morrill, McClure, Owens, Shannon, Seymour, Stewart—12.

Eighteen in the affirmative, and twelve in the negative.

The bill passed and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I an instructed by the Council to inform the House of Representatives that the Council have concurred with the House of Representatives in the amendments made by the House, except "strike out all that section that refers to Topeka county."

Also, "An act changing the county seat of Allen county from Humboldt to Sewana."

Also, Council Bill No. 210, entitled "An act creating a new county out of the limits of the counties of Leavenworth and Johnson."

Respectfully asking your immediate consideration thereon.

G. A. COLTON,
Assistant Secretary.

On motion of Mr. Speer,

Council Bill No. 203, entitled "An act establishing seats of justice in Kansas Territory, and for other purposes therein named," was taken up, and

On motion of Mr. Mitchell,

Resolved, That the House will recede from those amendments made to Council Bill No. 203, in which the Council have refused to agree, and concur in the original bill, amended in accordance with the agreement of the Council.

Carried.

On motion of Mr. Wheeler,

Council Bill No. 204, entitled "An act to incorporate the Elwood Savings Institution," was taken up.

Mr. Hanna moved to lay the bill on the table.

Lost.

The bill was read a third time and

Put upon its final passage.

The ayes and noes were called, with the following result:

Ayes were Messrs. Appelman, Bassett, Cooper, Curtis, Delong, Graham, Hanna. Jameson, Jenkins, Keller, Morrill, Moore, Mitchell, Still, Stewart, Wheeler—16.

Noes were Messrs. Barber, Barry, Brock, Columbia, Danford Elliott, of Leavenworth, Elliott, of Atchison, Hatterschiedt, Lockhart, McClure, Owens, Orr, Shannon, Seymour—14.

The bill passed and

The title agreed to.

On motion of Mr. Cooper,

The House went into Committee of the Whole, for the consideration of House Bill No. 271, entitled "An act to regulate the fees of officers."

Mr. Elliott, of Leavenworth, in the chair.

The Committee arose, and, through the chairman, reported back the bill without amendments.

On motion,

The bill was read a second time.

The rules were suspended, and

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

House Bill No. 283, entitled "An act regulating references, arbitration and awards," was read a second time, and

On motion,

The rules were suspended, and

The bill passed to the third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Governor, which was read, and,

On motion of Mr. Moore,

Was made the special order for Friday, at two o'clock P. M.

Mr. Moore, chairman of committee on Judiciary, reported back, without suggestion, Council Bill No. 118, entitled "An act to regulate the sale of intoxicating liquors."

On motion,

The bill was read a second time and

Laid on the table.

On motion of Mr. Hanna,

Resolved, That the public printer be hereby authorized to print for the use of the members of the House, for circulation among the people, 10,000 copies of the act providing for the election of delegates to a constitutional convention, 3,000 of which shall be in German.

Adopted.

On motion of Mr. Moore,

The House adjourned.

MONDAY, February 10, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Columbia, Reynard, Seymour, Stewart, Shannon and Zinn.

Petitions, memorials and remonstrances being in order,

Mr. Seymour presented the petition of Wm. Holmes, and sixty-five others, of Shawnee, Johnson county, praying for the formation of Wyandott county, and the annexation therewith.

Mr. Cooper presented the petition of J. P. Root, and others, praying for a Territorial road, which were

Referred to committee on Counties and County Lines.

Mr. Mitchell presented the following:

WHEREAS, The Congress of the United States, on the 30th day of March, 1854, passed an act entitled "An act to organize the Territories of Nebraska and Kansas," leaving the people perfectly free to form and regulate their domestic institutions in their own way; therefore, be it

Resolved, by the Legislative Assembly of the Territory of Kansas, That the Governor be directed to forward to the President and both branches of Congress, certified copies of an act entitled "An act providing for a Constitutional Convention;" and be it further

Resolved, That the said Congress of the United States be and are hereby requested, to receive said Act as the legal action of the people of Kansas, in the exercise of the power given them under the Act first above recited, and, as a final and peaceful settlement of the Kansas difficulties.

Mr. Cooper moved to postpone.

Carried.

Reports from Standing Committees being in order,

Mr. Keller, chairman of the committee on Claims, presented the following report:

WHEREAS, Mr. W. S. Blackburn is, undoubtedly, of right, the member elect to the House of Representatives from Marshall county, (as we believe,) and has been unable to procure his seat through want of sufficient evidence, only; therefore

Resolved, That he be allowed mileage and per diem as folfollows: mileage, for two hundred and eighty miles, $42, and per diem, for nineteen days, $57. Total, $99; and that the clerk be ordered to draw his warrant for the same.

GEORGE H. KELLER,
Chairman of Com. on Claims.

Mr. Stratton, chairman of the Committee on Counties and County Lines, reported back House Bill No. 479, entitled "An act to provide for the seat of government of Doniphan county," without amendment.

Mr. Jameson, chairman of the committee on Public Roads, reported back sundry bills, the entire amount in the hands of the committee, and recommend they be laid on the table.

On motion,

The report of the committee was accepted.

Mr. Cooper, chairman of the Select Committee for the consideration of Council Bill No. 177, entitled "An act authorizing E. F. Gregory and others to build a bridge across the Little Arkansas river," report the same back as received from the Council.

Mr. McClure, chairman of the committee on Education, reported back the petition of the Blue Mont Central College, without amendment.

Mr. Orr introduced Bill No. 495, entitled "An act to incorporate the Cherokee City Association."

Referred to the committee on Corporations and Banking.

Mr. Shannon introduced Bill No 496, entitled "An act supplemental to an act to provide for the organization of certain Banks."

On motion of Mr. Shannon,

The bill was referred to a select committee of three.

The Speaker appointed Messrs. Shannon, Morrill and Orr said Committee.

Message from the Council:

MR. SPEAKER:—I have the honor to inform that the Council have passed the following bills:

House Bill No. 26, "An act incorporating the Leavenworth, Lawrence and Southern Stage Company;"

House Bill No. 491, "An act creating the counties of Osceola and Kaw, and defining their boundaries."

House Bill No. —, "An act providing for the location of county seats."

House Bill No. 321, "An act providing for the county seat of Pottawattamie county."

House Bill No. 474, "An act to incorporate the Wyandott Bridge Company."

House Bill No. 283, "An act respecting references and arbitrations."

House Bill No. 495, "An act supplemental to an act to remove and permanently locate the Seat of Government."

Council Bill No. 231, "An act for a Territorial road from Grasshopper Falls to Iowa Point via Cayuga."

Also, the joint resolutions, as a substitute to House Bill No. 476.

BEN. F. HUTCHINS,
Journal Clerk.

On motion of Mr. Moore,

The joint resolutions were

Referred to the committee on Federal Relations.

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN: —I have this day approved of the following bills: viz: "An act to incoporate the Town of Pardee."

"An act to incorporate the Luella Town Company."

"An act to incorporate the Central City Town Company."

"An act to incorporate the Kansas Center Town Company."

"An act to incorporate the Hamlin City Association."

"An act to incorporate the Mapleton Town Association."

"An act to incorporate the Kossuth Town Company."

"An act to incorporate the Highland University Company."

"An act to incorporate the Easton Bridge Company."

"An act concerning County Jails."

"An act to provide for the taking effect of laws."

"An act entitled 'An act to incorporate the Seneca Town Company."

"An act to incorporate the Padonia Town Company."

"An act to incorporate the Superior Town Company."

"An act to incorporate the Humboldt Town Company."

"An act to incorporate the Gardner Town Company."

"An act to incorporate the Town Company of the Town of Medina."

"An act to incorporate the Charleston Town Company."

"An act to incorporate the Marietta Town Company."

"An act to incorporate the Waupego Town Company."

"An act to incorporate the Battle Hill Town Association."

"An act to incorporate the Town Company of Otter, in the county of Marshall, Territory of Kansas."

"An act to incorporate a Hotel Company."

"An act to incorporate the Kansas Falls Water Power and Manufacturing Company."

"An act to incorporate the Kansas Falls Bridge Company."

"An act for the maintenance and support of Illegitimate Children."

"An act to incorporate the Elwood and Wathena Plank Road Company."

Feb. 9, 1858. J. W. DENVER,
Acting Governor.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, a bill entitled "An act to incorporate the Neosho Bridge Company."

The bill proposes to grant to certain parties, for fifteen years, the exclusive privilege of building and maintaining a bridge across the Neosho river, "at or within five miles of the town of Emporia." The right to build a bridge ought to have been sufficient, but to give such exclusive right over five miles of the river, is, I apprehend, more than the people of that vicinity would be willing to agree to. The wants of the country might require several bridges over that part of the Neosho river within fifteen years, and if so, this exclusive right would be a bar to their construction.

Also, "An act to establish a Ferry over the Big Blue River, near the mouth of the Little Blue." The objections to this bill are similar to those given above.

J. W. DENVER,
Feb. 10, 1858. Acting Governor.

John Easter, John Pickering, A. W. Dickenson and J. Martin, Assistant Enrolling Clerks, appeared at the Speaker's stand, were sworn, and entered upon the duties of their office.

On motion of Mr. Graham,

The House resolved itself into Committee of the Whole, Mr. Cooper in the chair, for the consideration of House Bill No. 299, entitled "An act to provide for the organization, superintendence and maintenance of Common Schools."

The committee arose, and, through the chairman, reported back the bill, without amendment, and

The bill was read a second time, and

On motion of Mr. Moore,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The House adjourned until 3 o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Hanna,

The special order for the House on the Governor's veto of Council Bill No. 8, entitled "An act legalizing the city charter and government of the City of Lawrence," was taken up, and

A call of the House was ordered.

The sergeant-at-arms was ordered to bring in absentees.

On motion,

The further call of the House was dispensed with.

On motion,

The bill was laid over.

Message from the Governor:

To the House of Representatives:

Herewith I return a bill entitled "An act granting a divorce to and changing the name of Julia Ann Judson," without approval.

There is a statute authorizing Courts of Justice to grant divorces in certain cases, and those desiring such favors ought to be required to comply strictly with its provisions. Nothing can be more injurious to the domestic relations of a community, than the loosening of the ties of the marital obligations; and, in my opinion, such applications should meet with as little favor as possible. As the Courts can always have an opportunity of investigating such cases thoroughly, I prefer to let them remain there.

With these objections, the bill is herewith returned to the house in which it originated.

Feb. 8, 1858. J. W. DENVER,
Acting Governor.

On motion of Mr. Danford,

The vote on House Bill, granting a divorce to and changing the name of Julia Ann Judson, was reconsidered, and the bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called.

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Brock, Columbia, Curtis, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Still, Stewart, Stratton, Wheeler, Zinn—32.

Noes—Messrs. Bennett, Cooper and Morrill—3.

The bill passed, and

The title adopted.

On motion of Mr. Hanna,

The Governor's message, vetoing House Bill No. 189, entitled "An act to incorporate the Eldridge Town Company," was taken up, and

On motion of Mr. Cooper,

The vote on the passage of the bill was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were ordered.

Ayes—Messrs. Appelman, Barber, Barry, Bassett, Cooper, Curtis, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Shannon, Speer, Still, Stratton, Wheeler, Zinn—29.

Noes—Messrs. Brock, Columbia, Morrill, Seymour, and Stewart—5.

Absent—3.

Mr. Graham was excused from voting.

Twenty-nine in the affirmative, and five in the negative.

On motion of Mr. Moore,

The further consideration of the Governor's veto message was postponed until to-morrow at two o'clock P. M.

Mr. Danford introduced Bill No. 497, entitled "An act to define and establish Representative districts for the third Legislative Assembly."

On motion of Mr. Mitchell,

The House resolved itself into committee of the Whole, Mr. Moore in the chair, for the consideration of the bill.

The committee arose, and, through the chairman, made the following report:

The committee report back to the House, with instructions to recommit the bill to the committee, with instructions to report a law to the effect, that the vote cast for and against the constitution, to be framed by the delegates elected in pursuance of the law passed at the present session, be taken as the basis of representation. That the President of the Council and Speaker of the House and the Governor, take said aggregate vote, and divide the same by thirty-nine, and then apportion the representatives, among the several counties, in accordance with said vote cast.

The House concurred in the report of the committee.

On motion of Mr. Cooper,

Council Bill No. 177, "An act authorizing E. F. Gregory and others, to build a bridge across the Little Arkansas river," was taken up, and

Read a second time.

Mr. Mitchell moved to refer the bill to a special committee of three.

Mr. Cooper, on the part of the special committee, to whom was referred the above bill, called for the reading of the statement of E. F. Gregory, one of the parties interested.

The statement was read.

Mr. Mitchell moved to amend, and give the committee power to send for persons and papers.

Mr. Cooper moved to divide the amendment, which was

Carried.

The question was now upon the motion of Mr. Mitchell, which was

Carried, and

The Speaker appointed Messrs. Wheeler, Keller and Elliott, of Atchison, said committee.

Mr. Mitchell asked to be excused from serving on the committee.

Mr. Stewart asked and obtained leave to introduce the following bills:

Bill No. 498, entitled "An act to restrain intercourse with Indians;"

Bill No. 499, entitled "An act to provide for the election of officers, in organizing counties, and to fill vacancies in county offices, occasioned by death, resignation or refusal to serve," which was

Referred to the committee on Judiciary.

Mr. Appelman asked leave of absence for the remainder of the session, which was

Granted.

On motion of Mr. Keller,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

THURSDAY, Feb. 11, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Curtis, Delong, Ellott, of Leavenworth, Graham, Morrill, McClure, Mitchell, Orr, Shannon, Speer, Stewart.

Mr. Delong absent on account of sickness.

Journal read and approved.

On motion of Mr. Graham,

Resolved, That the superintendent of public printing is hereby authorized to make any correction in clerical errors, in Enrolled Bills, when they are published.

Carried.

Mr. Moore, chairman of the committee on Judiciary, reported back to the House, with amendment, House Bill No. 498, entitled "An act to restrain intercouse with Indians;"

Also, House Bill No. 499, entitled "An act to provide for the election of officers, in organizing counties, and to fill vacancies occasioned by death or refusal to serve."

Mr. Shannon, chairman of the committee to whom was referred House Bill No. 496, entitled "An act supplemental to an act for the organization of certain banks," reported back the bill to the House, without amendment.

Message from the Council:

Mr. Speaker:—I am instructed by the Council to inform the House of Representatives that the Council has passed the following bills:

Council Bill No. 232, "An act to amend the charter of the city of Lawrence;"

Council Bill No. 233, "An act to locate the county seat of Franklin county;"

Council Bill No. 234, "An act to incorporate the Shawmut Town Company."

J. K. GOODIN,
Secretary.

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

Gentlemen:—I have this day approved the following bills:
"An act to incorporate the Brooklyn Town Company;"
"An act to incorporate Cleveland Town Company;"
"An act to incorporate the Corydon Town Company;"
"An act to incorporate the Columbus City Association."

Feb. 8, 1858.

J. W. DENVER,
Acting Governor.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of Representatives that the Council have passed the following bills, the Governor's objections to the contrary notwithstanding:

"An act divorcing Edmund B. Whitman and Angelica Whitman;"

"An act divorcing Abram Morton and Susan, his wife."

ASAPH ALLEN,
Assistant Clerk.

A petition was received from O. H. Breese, and others, praying that the Legislative Assembly take some action which would secure an appropriation from Congress, to pay the claims audited by Gen. H. J. Strickler, in accordance with an act passed 1857.

On motion,

Council Bill No. 220, entitled "An act divorcing Abram Morton and Susanna, his wife," which was returned by the Governor without his approval, and

Reconsidered the vote by which it passed, and

On motion,

The bill was put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes being demanded, the following is the result:

Ayes—Messrs. Barry, Brock, Columbia, Danford, Elliott, of Leavenworth, Hanna, Hatterscheidt, Jameson, Jenkins, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Speer, Seymour, Stratton—18.

Whole number of votes, twenty-one.

Noes—Messrs. Curtis, Miller and Zinn—3.

Ayes—18. Noes—3.

Necessary to pass the bill, fourteen.

The bill passed, and

The title agreed to.

Report of the select committee, to whom was referred the proposition of J. D. Farran to the Legislative Assembly:

Your select committee, to whom was referred the proposition of J. D. Farran, have had the same under consideration and ask leave to make the following report:

In the opinion of your committee, the map above referred to is of sufficient importance to the Territory, the Legislative Assembly in purchasing said map for the use of and benefit of the Territory, for the sum of two hundred dollars.

Respectfully submitted,
R. B. MITCHELL,
JOHN SPEER,
Committee.

On motion of Mr. Curtis,

Council Bill No. 190, entitled "An act divorcing Edward Burke Whitman and Angelica Whitman," was taken up.

The vote by which it passed was reconsidered, and,

On motion,

The bill was put upon its final passage, the Governor's objections to the contrary notwithstanding.

The ayes and noes were called, and resulted as follows:

Ayes—Messrs. Barry, Brock, Columbia, Danford, Elliott, of Leavenworth, Hanna, Hatterscheidt, Jameson, Jenkins, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Seymour, Stewart, Stratton—18.

Noes—Messrs. Miller, Bennett, Shannon—3.

Whole number of votes, 21—18 in the affirmative and 3 in the negative.

Necessary to pass the bill, 14.

The bill passed, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House of Representatives that the Council have passed the following bills:

Council Bill No. 239, entitled "An act supplemental to an act to change the name of certain counties in Kansas Territory, and for other purposes."

Council Bill No. 238, "An act to enable trustees of colleges, academies and churches to become corporate bodies."

Council Bill No. 237, "An act to incorporate the Burnett Town Company."

Council Bill No. 237, "An act to incorporate the Rochester Town Company."

ASAPH ALLEN,
Ass't. Clerk.

On motion,

The House resolved itself into Committee of the Whole, Mr. Lockhart in the chair, for the consideration of Council Bill No. 142, entitled "An act to provide for county organization."

The committee arose, and, through the chairman, reported back the bill without amendment.

The bill was read a second time.

On motion,

The rules were suspended, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Moore,

Council Bill No. 143, entitled "An act providing for town organization," was taken up, and

Read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was agreed to.

On motion of Mr. Speer,

Council Bill No. 129, entitled "An act relative to juries," was taken up, and

House Bill No. 225, entitled "An act for the selection of jurors and the empanneling of jurors in the Probate Court," was offered as a substitute, and,

On motion,

Rule 49 was suspended, and

The bill read a second time,

On motion,

The rules were suspended

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole, Mr.

Stratton in the chair, for the consideration of House Bill No. 351 1-2, entitled "An act to provide for the manner of holding elections."

The committee arose, and, through the chairman, reported progress and asked leave to sit again, which was

Granted.

Message from the Council:

Resolved, By the Council and House of Representatives, (the House) concurring, That the Council will meet the House of Representatives in their hall this P. M., at 4 o'clock, in joint convention, for the purpose of electing three Penitentiary Commissioners and a Military Board, as provided by the statutes," asking your immediate attention thereto.

B. F. HUTCHINS,
Journal Clerk.

Mr. Speer, chairman of the special committee to whom was referred House Bill No. 156, entitled "An act concerning Indians and half-breeds, reported the same back, without amendment.

Mr. McClure, member of the committee on Counties and County Lines, reported back Council Bill No. 210, entitled "An act to create a new county out of the counties of Johnson and Leavenworth," without amendment.

On motion of Mr. Hanna,

House Bill No. 298, entitled "An act to provide for the printing and distribution of the laws and journals," was taken up and

Read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Moore, chairman of the committee on Judiciary, made the following report:

The Judiciary Committee of the House, to whom was referred Council Bill No. 197, entitled "An act to create the offices of Auditor, Treasurer and Attorney General," report the same back, and recommend that it lay on the table, as the House has heretofore passed House Bill No. 317, entitled "An act to abolish the office of Comptroller of the Treasury," which fully meets the exigencies required.

On motion of Mr. Hanna,

The House resolved itself into Committee of the Whole, Mr. Stratton in the chair, for the consideration of House Bill No. 482, entitled "An act making appropriations for the year 1858."

The Committee arose, and, through the chairman, reported progress, and asked leave to sit again, which was

Granted.

On motion of Mr. Hanna,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker in the chair.

On motion of Mr. Barry,

Council Bill No. 227, entitled "An act defining the boundaries of Riley county," was taken up, and

The House resolved itself into Committee of the Whole for the consideration of the bill.

Mr. Pennock in the chair.

The committee arose, and, through the chairman, reported back the bill to the House, without amendment.

The bill was read a second time.

On motion,

The rules were suspended and

The bill considered engrossed, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Elliott, of Leavenworth,

Resolved, By the House of Representatives, (the Council concurring,) That the secretary of the Territory be authorized to correct any clerical errors existing in the laws passed by this Legislature, before their publication.

Carried.

On motion by the same,

Resolved, That the House concur with the Council in memorializing Congress for an appropriation of not less than one hundred thousand dollars, to build a penitentiary.

Adopted.

By Mr. Hanna,

Resolved, That an appropriation of fifty thousand dollars be also respectfully asked from Congress, to complete the building commenced at Lecompton, known as the Capitol Building.

Laid on the table.

On motion of Mr. Seymour,

Council Bill No. 207, entitled "An act to incorporate the Elizabeth Town Company," was taken up, and

Read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Curtis introduced Bill No. 500, entitled "An act to locate temporarily the county seat of Coffey county."

Referred to committee on Counties and County Lines.

On motion of Mr. Shannon,

House Bill No. 496, "An act supplemental to an act entitled 'An act to provide for the organization of certain Banks,'" was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Governor:

To the House of Representatives:

Gentlemen:—I have this day approved the following bills:

"An act to incorporate the White Cloud City Company."

"An act to incorporate the Cresco Town Company."

Also, "An act in relation to Marriage."

"An act to incorporate the City of Elwood."

"An act to incorporate the St. Paul's Episcopal Church in the City of Leavenworth."

"An act to incorporate the Town of Bachelder."

"An act to establish a Ferry at the Town of Douglas."

"An act extending ~~time to~~ Samuel V. Jameson, sheriff of Doniphan county, to collect Taxes due in said county."

J. W. DENVER,
Feb. 11th, 1858. Acting Governor.

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN:—I have this day approved the following bills, viz:

"An act to incorporate the Chelsea Town Company."

"An act to incorporate the Osawatomie Town Company."

"An act to incorporate the Elwood, Palermo and Fort Riley Railroad Company."

Also, "An act to incorporate the Kennekuk Town Company."

Respectfully,

J. W. DENVER,
February 11, 1858. Acting Governor.

Message from the Governor:

To the House of Representatives of the Legislative Assembly, Kansas Territory:

GENTLEMEN:—I have this day approved the following bills, viz:

"An act to protect the rights of Married Women."

"An act fixing the age of Majority."

"An act making an appropriation to pay the expenses of the Board of Commissioners to investigate Election Frauds, and granting certain powers to said Board."

"An act in relation to Kansas River Bridge Company."

"An act to incorporate the Carson Town Company."

"An act to authorize Jacob N. McCall, Egbert M. Lee, and others, to build a bridge across the Independence Creek."

"An act to incorporate the Peoria Bridge Company."

"An act to charter a ferry at the city of Elwood."

J. W. DENVER,
February 11, 1858. Acting Governor.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—I herewith return "An act to establish a ferry at the mouth of Grasshopper river, without approval, for the reason that the locality does not come within the jurisdiction of the Territorial Government of Kansas. The mouth of the Grasshopper is within the limits of the Delaware Reserve, though the Half-Breeds of the Kansas tribe, by virtue of a prior treaty, have a life estate in the lands at that point, the reversion belonging to the Delawares. But the Indian title has never been extinguished to those lands, and the Organic Act declares that "all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas." With a knowledge of these facts, I do not see how I, as Governor of the Territory, can exercise any legislative control over that locality. With these objections, the bill is returned to the House in which it originated.

J. W. DENVER,

February 11, 1858. Acting Governor.

Mr. Hanna moved to reconsider the vote on House Bill entitled "An act to provide for the organization of certain Banks," having been returned by the Governor, with his objections, which were read to the House.

The vote was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called.

Ayes—Barber, Bassett, Curtis, Delong, Elliot, of Leavenworth, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Reynard, Speer, Seymour, Still, Stratton—21.

Noes—Messrs. Brock, Bennett, Columbia, Graham, Morrill, Orr, Stewart, Zinn—8.

Whole number of votes, twenty-seven.

Absent—Messrs. Adkins, Appelman, Elliott, of Atchison and Wheeler—4.

Excused from voting, Messrs. Cooper and Shannon—2.

The bill having received the requisite number of votes, was passed, and

The title agreed to.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of Representatives of the passage of Council Bill No. 244, entitled "An act to remove the county seat of Leavenworth county."

G. A. COLTON,
Ass't Secretary.

On motion of Mr. Moore,

Council Bill No. 244, entitled "An act to remove the county seat of Leavenworth county," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill considered engrossed.

Passed to its third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to

On motion of Mr. Curtis,

Council Bill No. 209, entitled "An act to charter a ferry across the Kansas river at the city of Lawrence," was taken up, and

Read a second time.

The hour having arrived, fixed by the concurrent resolution of the two Houses,

The Council was conducted into the hall of the House by the sergeant-at-arms, and

Mr. Holliday, President, *pro tem*, of the Council, took the chair, and

The convention was organized.

The President announced that the election of three Penitentiary Commissioners was in order.

Mr. Crozier, of the Council, moved that the persons having the highest number of votes, be declared duly elected, which was

Adopted.

Nominations being in order,

Mr. Elliott, of Leavenworth, nominated John Edge, of Delaware.

Mr. Graham nominated D. S. Lusk, of Elwood.
Mr. Nash nominated W. E. Hutchinson, of Lawrence.
Mr. Reynard nominated Channy Cowle, of Leavenworth.
Mr. Barry nominated S. B. Palmer, of Pottawattamie.
Mr. Lockhart nominated D. Pickering, of McCamish.
Mr. Bassett nominated W. Hutchinson, of Lawrence.
Mr. Patrick nominated J. B. McAfee, of Grasshopper Falls.
Mr. Pennock nominated Adam Fisher, of Leavenworth.
Mr. Owens nominated Jesse Newell, of Oskaloosa.
Mr. Learnard nominated J. C. Larabee, of Burlington.
Mr. Harding nominated Ward L. Lewis, of Elwood.
Mr. Crozier nominated John Smith, of Kickapoo.
Mr. Mead nominated C. S. Pratt, of Lawrence.
Mr. Mead nominated Aschel Hunt, of Hunt.
Mr. McClure nominated J. B. Eldridge, of Wyandott.

The nominations being closed,

The roll of the Council being called,

Mr. Allen voted for C. S. Pratt, W. Hutchinson, A. Hunt.
Mr. Challis voted for C. S. Pratt, W. Hutchinson, John Smith.
Mr. Crozier voted for C. S. Pratt, Adam Fisher, John Smith.

Mr. Harding voted for W. S. Lewis, D. Pickering, A. Fisher.
Mr. Holliday voted for W. Hutchinson, Jonas Edge, A. Fisher.
Mr. Learnard voted for C. S. Pratt, A. Hunt, J. C. Larabee.
Mr. Mead, voted for D. B. Palmer, J. B. McAfee, A. Hunt.
Mr. Nash voted for C. S. Pratt, W. L. Lewis, D. Pickering.
Mr. Patrick voted for J. C. Larabee, Jonas Edge, A. Fisher.
Mr. Root voted for C. S. Pratt, J. B. Eldridge, A. Hunt.
Mr. Sibbett voted for J. Newell, J. C. Larabee, A. Hunt.
Mr. Wright voted for W. L. Lewis, D. Pickering, A. Fisher.
Mr. President of the Council voted for C. S. Pratt, J. C. Larabee, A. Hunt.

Thirty-nine votes cast; each member voting for three persons.

Mr. Pratt received seven votes.
Mr. Hunt received six votes.
Mr. Fisher received five votes.
Mr. Larabee received four votes.
Mr. W. Hutchinson received three votes.
Mr. Pickering received three votes.
Mr. Lewis received three votes.
Mr. Edge received two votes.
Mr. Smith received two votes.
Mr. Newell received one vote.
Mr. McAfee received one vote.
Mr. Palmer received one vote.
Mr. Eldridge received one vote.
Council vote thirty-nine.

Foll call of the House:

Mr. Barry voted for Messrs. Newell, Larrabee and Palmer.
Mr. Brock voted for Messrs. Lewis, Pickering and Fisher.
Mr. Bennett voted for Messrs. Pratt, Hutchinson and Smith.
Mr. Bassett voted for Messrs. Larabee, Hutchinson and Edge.
Mr. Curtis voted for Messrs. Pickering, Hunt and Hutchinson.

Mr. Columbia voted for Messrs. Newell, Hunt and Larabee.

Mr. Cooper voted for Messrs. McAfee, Pratt and Hunt.

Mr. Danford voted for Messrs. Pratt, Larabee and Hunt.

Mr. Elliott, of Leavenworth, voted for Messrs. Edge, Pratt and Hutchinson.

Mr. Elliott, of Atchison, voted for Messrs. Newell, Lewis and Hunt.

Mr. Graham voted for Messrs. Lusk, Pickering and Hunt.

Mr. Hanna voted for Messrs. Larabee, Pratt and Hunt.

Mr. Hatterscheidt voted for Messrs. Pickering, Pratt and Fisher.

Mr. Jameson voted for Messrs. Lusk, Pratt and Hunt.

Mr. Keller voted for Messrs. Fisher, Pratt and Hunt.

Mr. Lockhart voted for Messrs. Pickering, Pratt and Hutchinson.

Mr. Morrill voted for Messrs. Lewis, Pratt and Hunt.

Mr. Moore voted for Messrs. Fisher, Pratt and Hunt.

Mr. McClure voted for Messrs. Eldridge, Pratt and Hunt.

Mr. Mitchell voted for Larabee, Pratt and Hunt.

Mr. Miller voted for Messrs. Pickering, Pratt and Fisher.

Mr. Owens voted for Messrs. Newell, Larabee and McAfee.

Mr. Orr voted for Messrs. Newell, Fisher and Edge.

Mr. Pennock voted for Messrs. Lewis, Fisher and Cowell.

Mr. Reynard voted for Messrs. Lewis, Fisher and Cowell.

Mr. Speer voted for Messrs. Pratt, Hunt and Hutchinson.

Mr. Still voted for Messrs. Pratt, Edge and Hutchinson.

Mr. Seymour voted for Messrs. Pratt, Pickering and Hunt.

Mr. Stewart voted for Messrs. Pratt, Larabee and Hunt.

Mr. Shannon voted for Messrs. Lewis, Larabee and Hunt.

Mr. Stratton voted for Messrs. Pratt, Fisher and Edge.

Mr Wheeler voted for Messrs. Lewis, Fisher and Hunt.

Mr. Speaker voted for Messrs. Hutchinson, Edge and Larabee.

Ninety-nine votes cast—each member voting for three persons.

Mr. Pratt received twenty votes.
Mr. Hunt received seventeen votes.
Mr. Fisher received ten votes.
Mr. Larabee received ten votes.
Mr. Hutchinson received eight votes.
Mr. Pickering received seven votes.
Mr. Edge received six votes.
Mr. Newell received five votes.
Mr. Cowell received two votes.
Mr. McAfee received two votes.
Mr. Lusk received two votes.
Mr. Palmer received one vote.
Mr. Eldridge received one vote.
Mr. Smith received one votes.
Total, ninety-nine votes.

Number of votes in the Council for Mr. Pratt—7; in the House—20. Total—27.

Number of votes in the Council for. Mr. Hunt—6; number of votes in the House—17. Total—23.

Number of votes in the Council for Mr. Fisher—5; in the House—10. Total—14.

Number of votes in the Council for Mr. Larabee—4; in the House—10. Total—14.

Number of votes in the Council for Mr. Hutchinson—3; in the House—8. Total—11.

Number of votes in the Council for Mr. Pickering—3; in the House—7. Total—10.

Number of votes in the Council for Mr. Lewis—3; in the House—7. Total—10.

Number of votes in the Council for Mr. Edge—2; in the House—6. Total—8.

Number of votes in the Council for Mr. Smith—2; in the House—1. Total—3.

Number of votes in the Council for Mr. Newell—1; in the House—5. Total—6.

Number of votes in the Council for Mr. McAfee—1; in the House—2. Total—3.

Number of votes in the Council for Mr. Palmer—1; in the House—1. Total—2.

Number of votes in the Council for Mr. Eldridge—1; in the House—1. Total—2.

Number of votes in the Council for Mr. Lusk—0; in the House—2. Total—2.

Number of votes in the Council for Mr. Cowell—0; in the House—2. Total—2.

One hundred and thirty-eight votes.

Thirteen members voting in the Council; thirty-three members voting in the House. Total, forty-six members voting.

Mr. C. S. Pratt, having received the highest number of votes, was declared duly elected as one of the Penitentiary Commissioners.

The convention then proceeded to the choice of another Commissioner.

The roll of the Council being called, the following was the result of the voting:

Mr. Allen voted for Messrs. Hunt and Lewis.

Mr. Challis voted for Messrs. Hunt and Lewis.

Mr. Crozier voted for Messrs. Hunt and Fisher.

Mr. Harding voted for Messrs. Lewis and Pickering.

Mr. Holliday voted for Messrs. Lewis and Hunt.

Mr. Nash voted for Messrs. Pickering and Lewis.

Mr. Patrick voted for Messrs Fisher and Lewis.

Mr. Root voted for Messrs. Hunt and Lewis.

Mr. Sibbett voted for Messrs. Hunt and Larabee.

Mr. Wright voted for Messrs. Hunt and Fisher.

Mr. Learnard voted for Messrs. Larabee and Hunt.

Mr. President voted for Messrs. Hunt and Larabee.

Twenty-four votes cast, each member voting for two persons.

The roll of the House was called, and the following was the result of the voting:

Mr. Barry voted for Messrs. Lewis and Fisher.

Mr. Brock voted for Messrs. Lewis and Pickering.

Mr. Bennett voted for Messrs. Lewis and Fisher.

Mr. Bassett voted for Messrs. Hunt and Larabee.

Mr. Curtis voted for Messrs. Pickering and Frank Pierce.

Mr. Cooper voted for Messrs. Lewis and Hunt.

Mr. Danford voted for Messrs. Larabee and Hunt.

Mr. Elliott, of Leavenworth, voted for Messrs. Fisher and Hunt.

Mr. Elliott, of Atchison, voted for Messrs. Lewis and Pickering.

Mr. Graham voted for Messrs. Lewis and Pickering.

Mr. Hanna voted for Messrs. Larabee and Hunt.

Mr. Hatterscheidt voted for Messrs. Fisher and Pickering.

Mr. Jameson voted for Messrs. Lewis and Pickering.

Mr. Keller voted for Messrs. Lewis and Fisher.

Mr. Lockhart voted for Messrs. Lewis and Pickering.

Mr. Morrill voted for Messrs. Lewis and Pickering.

Mr. Moore, voted for Messrs. Fisher and Hunt.

Mr. Mitchell voted for Messrs. Pickering and Hunt.

Mr. Miller voted for Messrs. Lewis and Fisher.

Mr. Owens voted for Messrs. Pickering and Fisher.

Mr. Orr voted for Messrs. Edge and Fisher.

Mr. Pennock voted for Messrs. Cowell and Fisher.

Mr. Reynard voted for Messrs. Cowell and Fisher.

Mr. Speer voted for Messrs. Lewis and Pickering.

Mr. Still voted for Messrs. Lewis and Pickering.

Mr. Seymour voted for Messrs Hunt and Pickering.

Mr. Stewart voted for Messrs. Hunt and Larabee.

Mr. Shannon voted for Messrs. Hunt and Larabee.

Mr. Stratton voted for Messrs. Lewis and Fisher.

Mr. Wheeler voted for Messrs. Lewis and Fisher.

Mr. Speaker voted for Messrs. Lewis and Pickering.

Mr. Lewis received sixteen votes.

Mr. Fisher received thirteen votes.

Mr. Pickering received fourteen votes.

Mr. Hunt received ten votes.

Mr. Larabee received five votes.

Mr. Cowell received two votes.

Mr. Edge received one vote.

Mr. Pierce received one vote.

Total, sixty-two votes.

Sixty-two votes cast, each member voting for two persons.

Number of votes for Mr. Lewis, in Council, seven.

Number of votes for Mr. Lewis, in House, sixteen.

Total, twenty-three.

Number of votes for Mr. Hunt, in Council, nine.

Number of votes for Mr. Hunt, in House, ten.

Total—nineteen.

Number of votes for Mr. Pickering in Council—2; in the House—14. Total—16.

Number of votes for Mr. Fisher in Council—3; in the House—13. Total—16.

Number of votes for Mr. Larabee in Council—3; in the House—5. Total—8.

Number of votes for Mr. Cowell in Council—0; in the House—2. Total—2.

Number of votes for Mr. Edge in Council—0; in the House—1. Total—1.

Number of votes for Mr. Pierce in Council—0 ; in the House —1. Total—1.

Total, eighty-six votes—twelve members of the Council, and twenty-one members of the House. Total, forty-three members.

Ward W. Lewis having received the highest number of votes, was declared duly elected as another of the Penitentiary Commissioners.

The convention now proceeded to the choice of another of the Penitentiary Commissioners.

The roll of the Council was now called, and the following was the result:

Mr. Allen voted for Mr. Hunt.
Mr. Challis voted for Mr. Fisher.
Mr. Crozier voted for Mr. Fisher.
Mr. Harding voted for Mr. Pickering.
Mr. Holliday voted for Mr. Hunt.
Mr. Learnard voted for Mr. Hunt.
Mr. Nash voted for Mr. Hunt.
Mr. Patrick voted for Mr. Fisher.
Mr. Root voted for Mr. Hunt.
Mr. Sibbett voted for Mr. Hunt.
Mr. Wright voted for Mr. Fisher.
Mr. President voted for Mr. Hunt.
Twelve members voting.

Mr. Hunt received 7 votes ; Mr. Fisher—4 ; Mr. Pickering—1. Total—12.

The roll of the House being called, the following was the result:

Mr. Barry voted for Mr. Fisher.
Mr. Brock voted for Mr. Pickering.
Mr. Bennett voted for Mr. Fisher.
Mr. Bassett voted for Mr. Hunt.
Mr. Curtis voted for Mr. Hunt.

Mr. Cooper voted for Mr. Hunt.
Mr. Danford voted for Mr. Hunt.
Mr. Elliott, of Leavenworth, voted for Mr. Fisher.
Mr. Elliott, of Atchison, voted for Mr. Hunt.
Mr. Graham voted for Mr. Fisher.
Mr. Hanna voted for Mr. Hunt.
Mr. Hatterscheidt voted for Mr. Fisher.
Mr. Jameson voted for Mr. Fisher.
Mr. Keller voted for Mr. Fisher.
Mr. Lockhart voted for Mr. Hunt.
Mr. Morrill voted for Mr. Fisher.
Mr. Moore voted for Mr. Fisher.
Mr. Mitchell voted for Mr. Hunt.
Mr. Miller voted for Mr. Fisher.
Mr. Owens voted for Mr. Hunt.
Mr. Orr voted for Mr. Fisher.
Mr. Pennock voted for Mr. Fisher.
Mr. Speer voted for Mr. Hunt.
Mr. Still voted for Mr. Hunt.
Mr. Seymour voted for Mr. Hunt.
Mr. Stewart voted for Mr. Hunt.
Mr. Shannon voted for Mr. Hunt.
Mr. Stratton voted for Mr. Hunt.
Mr. Wheeler voted for Mr. Hunt.
Mr. Speaker voted for Mr. Hunt.

Mr. Hunt received seventeen votes.
Mr. Fisher twelve votes.
Mr. Pickering one vote.
Total thirty, and thirty members voting.

Mr. Hunt received from the Council—7; from the House—17. Total—20 votes.

Mr. Fisher received in the Council—4 votes; in the House—12 votes. Total—16.

Mr. Pickering received in the Council—1; in the House—1. Total—2.

Twelve members in the Council voting, and thirty members in House voting. Total—forty-two.

Mr. Ashael Hunt having received the highest number of votes, was declared duly elected as one of the Penitentiary Commissioners.

Caleb S. Pratt, W. S. Lewis and Ashael Hunt were declared the Commissioners.

On motion,

The Convention adjourned *sine die.*

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Mr. Danford, chairman of the committee on apportionment introduced Bill No. 501, entitled "An act to provide for establishing and apportioning Representatives for the next Legislative Assembly."

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform your honorable body that the Council have passed House Bill No. 299, entitled "An act to provide for the organization, supervision and maintenance of Common Schools," with amendments, and respectfully ask your concurrence therein.

First amendment. In section 1st, strike out "elected by the Legislative Assembly" and insert "appointed by the Governor."

Second amendment. In section 40, article 9, strike out "20" and insert "250."

Third amendment. Strike out 43d section.

G. A. COLTON,
Ass't Secretary.

On motion of Mr. McClure,

The amendments of the Council to House Bill No. 299 were concurred in.

Message from the Governor, in relation to the Atchison Branch Bank, which was

Referred to committee on Corporations and Banking.

On motion,

The vote on Council Bill No. —, entitled "An act to charter the city of Lawrence," was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, and resulted as follows :

Ayes—Messrs. Appelman, Barry, Bassett, Brock, Columbia, Cooper, Delong, Danford, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Mitchell, Owens, Orr, Pennock, Shannon, Speer, Seymour, Stewart, Zinn—24.

Noes—none.

Absent—Messrs. Adkins, Barber, Bennett, Curtis, Elliott, of Leavenworth, Jenkins, Morrill, Miller, Reynard, Still, Stratton, Wheeler—12.

Twenty-four votes cast, and all in the affirmative.

The bill passed, and

The title agreed to.

On motion,

Council Bill No. 232, entitled "An act amending the city charter of the city of Lawrence," was taken up, and

Read the second time, and

On motion,

The rules were suspended.

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

The House resolved itself into Committee of the Whole, Mr. Seymour in the chair, for the consideration of House Bill No. 501, entitled "An act to provide for establishing and apportioning Representatives for the next Legislative Assembly."

The Committee arose, and, through the chairman, reported back the bill, with sundry amendments, and asked the concurrence of the House.

The House concurred in the report of the committee, and

The bill was read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council has passed the following resolution:

WHEREAS, It is important that an early and efficient action should be had upon the report of the Commissioners appointed to audit and certify to claims of parties having lost property in consequence of the political troubles of this Territory; and

WHEREAS, Said Commissioners are not prepared to make said report before the adjournment of this Legislature; therefore,

Resolved, That a committee of three be appointed, one from the Council, and two from the House of Representatives, to examine said report and the testimony, with power to memorialize Congress upon the subject, asking, if the committee shall think proper, an appropriation to indemnify said claimants.

Mr. Bassett moved the auditing and certifying part of the resolution be stricken out.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Bassett, Brock, Cooper, Delong, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterschiedt, Jameson, Lockhart, Morrill, Moore, Owens, Orr, Pennock, Shannon, Speer, Seymour, Stratton, Zinn—21.

Noes—Messrs. Barry, Bennett, Columbia, Danford, Jenkins, McClure, Mitchell, Miller, Still, Stewart—10.

On motion of Mr. Shannon,

House Bill No. 156, entitled "An act in relation to Indians and Half-Breeds," was taken up, and

Read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Speer, chairman of the committee on conference, to whom was referred House Bill No. 353, entitled "An act to preserve the purity of elections," and Council Bill on the same subject, reported a substitute for the two bills: House Bill No. 502, entitled "An act to regulate Elections, and preserve the purity of the Ballot Box."

On motion of Mr. McClure,

The House resolved itself into committee of the Whole, Mr. Morrill in the chair, for the consideration of the bill.

The committee arose, and, through the chairman, reported back the bill, with sundry amendment, and asked the concurrence of the House.

The House concurred in the report.

On motion,

The rules were suspended, and

The bill read a second time, and

On motion,

The rules were further suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

Council Bill No. 235, entitled "An act to authorize the Governor, the President of the Council, the Speaker of the House of Representatives, to examine the return of an election therein named," was taken up, and

Read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to the third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Cooper,

Council Bill No. 247, entitled "An act temporarily locating the county seat of Jefferson county," was taken up, and

Read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed and

Passed to a third reading.

The bill was read a third time.

Mr. Cooper moved a call of the House.

The following members answered to their names:

Ayes—Messrs. Appelman, Barry, Bassett, Brock, Bennett, Columbia, Cooper, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Lockhart, Morrill, Moore, McClure, Mitchell, Miller, Owens, Orr, Pennock, Reynard, Shannon, Seymour, Still, Stewart, Stratton, Zinn, and Mr. Speaker.

On motion,

The further call of the House was dispensed with, and

On motion,

Council Bill No. 128, entitled "An act in relation to Highways and Bridges," was

Read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Seymour,

House Bill No. 494, entitled "An act to establish the office of Public Printer," was taken up, and

Read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was agreed to.

The ayes and noes were called upon the bill for changing and locating the County Seat of Jefferson county, with the following result:

Ayes—Messrs. Cooper, Elliott, of Leavenworth, Graham, Hanna, Jameson, Morrill, McClure, Orr, Pennock, Reynard, Shannon, Speer, Stratton—12.

Noes—Messrs. Appelman, Barry, Bassett, Brock, Bennett, Columbia, Curtis, Danford, Hatterscheidt, Jenkins, Lockhart, Moore, Mitchell, Miller, Owens, Shannon, Seymour, Still, Stewart, Zinn—20.

Total—32.

On motion of Mr. Hanna,

Resolved, That the clerk be requested to produce, to this House, the bill passed this afternoon, removing the County Seat of Leavenworth county, and, that the same be retained until the action of the Governor is known with reference to the county bill.

The ayes and noes were called upon the resolution, with the following result:

Ayes—Messrs. Cooper, Jameson and Stewart—3.

Noes—Messrs. Appelman, Barry, Bassett, Brock, Curtis, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hatterscheidt, Jenkins, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Shannon, Speer, Seymour, Still, Stratton, Zinn—25.

On motion of Mr. McClure,

The House resolved itself into Committee of the Whole for the consideration of House Bill No. 482, entitled "An act making appropriations for the expenses of the Territory for the year 1858."

Mr. Appleman in the chair.

The committee arose, and, through the chairman, reported back the bill with sundry amendments, and ask the concurrence of the House.

The House concurred, and

The bill was read a second time.

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Lockhart introduced the following resolution:

To his Excellency, Acting Governor, J. W. Denver:

Whereas, The immediate close of the present session of this Legislature, finds us with a large number of laws, of a general and highly needful character, on the eve of passage; but which, for lack of time, must become useless and thereby render the governmental affairs of the Territory complicated and confused; therefore,

Resolved, By the Council and House of Representatives (the Council concurring) That we respectfully request your Excellency to call immediately a special session of this Legislature, upon the pledge that this body will not continue such session beyond the period of five days, and, that our action will be confined exclusively to laws of a general character.

Adopted.

On motion of Mr. Cooper,

Council Bill No. 238, "An act to enable Trustees of Academies, Colleges, Universities and other Institutions, Societies and Companies, to become bodies corporate," was

Read a second time, and

On motion,

The rules were suspended, and

The bill read a third time and

Put upon its final passage.

The question "Shall the Bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Coope,

Council Bill No. 210, entitled "An act to create a new county out of the limits of the counties of Leavenworth and Johnson," was

Read a second time, and

On motion,

The rules were suspended, and

The bill read a third time.

On motion of Mr. Moore,

The House adjourned.

G. W. DEITZLER,
Speaker of the House of Representatives.

FRIDAY, Feb. 12, 1858,
NINE O'CLOCK A. M.

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Adkins, Barber, Bassett, Curtis, Cooper, Delong, Keller, Shannon, Stewart.

Journal read and approved.

Messrs. Morrill and Hanna were added to the committee on Enrolled bills.

Report of the special committee, to whom was referred memorial in relation to certain boundaries, was postponed by the following vote:

Ayes—Messrs. Bassett, Columbia, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Lockhart, McClure, Mitchell, Owens, Pennock, Reynard, Shannon, Speer, Seymour, Stewart, Wheeler, Zinn—19.

Noes—Messrs. Appleman, Brock, Cooper, Hatterscheidt, Jameson, Jenkins, Morrill, Moore, Miller, Orr, Stratton—11.

On motion of Mr. Hanna,

Resolved, By the House of Representatives (the Council concurring) That a committee of five be appointed, three on the part of the House and two on the part of the Council, to wait on his Excellency, the Governor, and ascertain whether he has approved a bill, passed by the present Legislative Assembly, providing for the election of delegates to a Constitutional Convention, and if the same has not been approved, to respectfully inquire whether the same will receive the approval of the Executive, to-day.

The Speaker appointed Messrs. Hanna, Owens and Columbia, said committee on the part of the House.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, for reasons heretofore assigned in similar cases, the following bills:

"An act granting a divorce to Anne E. Delange;"

"An act to grant Mary B. Myers a divorce;"

"An act to grant Susannah Layton a divorce;" and the same are returned to the house in which they originated.

J. W. DENVER,

February 12, 1858. Acting Governor.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without my approval, a Bill entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company."

It is with extreme reluctance that I return the Bill, but it contains so many provisions, which come in direct conflict with the laws of Congress and treaties between the United States and Indian tribes, that I feel constrained to do so. In designating the line of the road, no regard whatever, is paid to the limits of the Territory of Kansas. And not only that, but the bill attempts to recognize an agreement entered into between the Railroad company and the Osage Indians, which is termed a treaty, when it is well known that the Indians cannot treat with, or sell their lands to any authority but the United States.

The 12th section of the Intercourse Act provides: "That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. And if any person not employed under the authority of the United States, shall [attempt] to negotiate such treaty or convention, directly or indirectly, to treat with any such nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, such shall forfeit and pay 1000 dollars."

It will readily be seen that the provisions of the bill before me, are full of direct and palpable violations of this law.

The Organic Act of this Territory expressly excepts from its provisions all Indian Reservations, and declares that they shall constitute no part of the Territory of Kansas. Therefore, the Legislative power of the Territory can exercise no control over them. The bill before me disregards the limits of the Territory altogether, and proposes to establish a road, as well where we have not, as where we have jurisdiction. Had the bill excepted the Indian Reservations, there could have been but little objection to it, except that part of the first section, which invests the company with the power of acquiring, by purchase or otherwise, all kinds of property, both real and personal, and of holding and conveying the same—powers not necessary for railroad purposes—but its provisions are of such a character as to subject every one connected with it, or sanctioning it, directly or indirectly, to a criminal prosecution before the United States District Courts for the District of Arkansas and Missouri, they alone having the jurisdiction over the Indian country.

With these objections the bill is herewith returned to the house in which it originated.

J. W. DENVER,
Acting Governor.

Feb. 12, 1858.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, a bill entitled "An act to repeal an act entitled 'An act concerning Corporations.'"

The act which the bill proposes to repeal, is the only check, at present, imposed on the large number of private corporations, now in existence in this Territory. Had I supposed that this check would have been removed, and thus allow those companies to prey upon the people at pleasure, nothing could have induced me to approve any one of them, in the form in which they have passed. I trust you will weigh the subject well before acting on it, for in the present condition of affairs it must necessarily affect every portion of the community.

For these reasons the bill is herewith returned to the house in which it originated.

Feb. 12, 1858.

J. W. DENVER,
Acting Governor.

On motion,

House Bill No. 103, entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company," was taken up, and

The vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Barber, Bassett, Cooper, Elliott, of Atchison, Hanna, Hatterscheidt, Jameson, Keller, Lockhart, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Shannon, Speer, Seymour, Still, Stewart, Stratton—22.

Noes—Messrs. Appelman, Barry, Brock, Bennett, Curtis, Columbia, Jenkins, Morrill, Miller, Wheeler and Zinn—11.

Thirty-three votes in all.

Necessary to a choice, twenty-two.

The bill passed and

The title agreed to.

On motion,

House Bill No. —, entitled "An act to establish a ferry at the mouth of Grasshopper river," and

The vote by which it was passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Columbia, Cooper, Elliott, of Leavenworth, Elliott, of Atchison, Hatterscheidt, Jameson, Jenkins, Keller, Moore, Speer and Stratton—13.

Noes—Messrs. Brock, Bennett, Curtis, Danford, Lockhart, McClure, Mitchell, Miller, Orr, Still, Seymour, Stewart, Shannon and Zinn—14.

The objections of the Governor were sustained.

Message from the Governor to the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, the following bills, for reasons heretofore given in similar cases:

"An act to incorporate the Gilead Town Company."
"An act to incorporate the Altona Town Company."

"An act to incorporate the Ghent Town Company."

"An act to incorporate the Waterloo Town Company."

"An act to authorize Ozias Bailey and Cornelius Dorland to keep a ferry across the Missouri river, at White Cloud, in Doniphan county, Kansas Territory."

"An act to incorporate the Fremont Town Association."

"An act to authorize James Tooley to keep a ferry across the Kansas river."

"An act to incorporate the Mount Vernon Town Company."

"An act to incorporate the Tamequa Town Company."

J. W. DENVER,
Feb. 12, 1858. Acting Governor.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House that they have passed House Bill No. 298, with sundry amendments, and respectfully ask your consideration therein:

First amendment, strike out section first and insert a substitute.

Second amendment, in section second, insert the words "in a style known as law binding." Also, the words, in the same section, "which shall be bound in a style known as half binding."

Third amendment, strike out "auditor," and insert "clerk." Strike out "secretary of Territory," and insert "superintendent of public printing."

SAMUEL N. TAPPAN,
Reading Clerk.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House of Representatives that the Council have passed the following bills:

Council Bill No. 227, with amendment, entitled "An act defining the boundaries of Riley county."

Also, House Bill No. 496, entitled "An act supplemental to an act entitled 'An act to provide for the organization of certain banks.'"

Also, Council Bill No. 249, entitled "An act providing for the payment of certain officers of the Legislative Assembly."

Also, House Bill No. 494, entitled "An act establishing the office of public printer."

G. A. COLTON,
Ass't Secretary.

Message from the Council:

MR. SPEAKER: —The Council instruct me to inform the House that the Council have passed House Bill No. 157, "An act legalizing the collection and assessment of taxes in Prairie City, Douglas county."

House Bill No. 498, "An act to construe the statutes."

Council Bill No. 244, "providing for taking the census and making an apportionment."

ASAPH ALLEN,
Assistant Clerk.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of Representatives that the Council has passed the following bills:

Council Bill No. 248, "County seat of Coffey county."
Council Bill No. 247, "County seat of Jefferson county."
Council Bill No. 246, "County seat of Johnson county,"

B. F. HUTCHINS,
Journal Clerk.

On motion,

Council Bill No. 248, entitled "An act locating the county seat of Coffey county," was read a second time, and,

On motion,

The rules were suspended and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title was agreed to.

On motion of Mr. Keller,

Council Bill No. 210, entitled "An act creating a new county out of the counties of Leavenworth and Johnson," was taken up.

Mr. Bassett moved to recommit the bill to a select committee of three.

Carried.

The Speaker appointed Messrs. Bassett, McClure and Seymour said committee.

Mr. Appelman moved to take up the report of the committee on Mr. Farran's map of Kansas.

Mr. Bassett offered the following amendment to the resolution in favor of J. D. Farren, for his map:

"That an appropriation of five hundred dollars be added, in favor of Messrs. Whitman and Searl, for a map of Kansas, prepared and published by them, at great labor and expense, in advance of the government surveys, which was the first map of the Territory, and proved of great benefit in the settlement of the country, but which resulted in a pecuniary loss to them. of which map the one alluded to in the report of the committee is only an enlarged copy, on canvass."

Mr. Mitchell moved to lay the amendment on the table.

Carried.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of Representatives that the Council has passed the following bills:

Council Bill No. 24, "An act to incorporate the Essex Town Company."

Council Bill No. 241, "An act supplemental to an act entitled 'An act to locate seats of justice in various counties, and for other purposes.'"

Also, "Memorial and resolutions to Congress."

Asking your favorable action thereon.

BENJ. T. HUTCHINS,
Journal Clerk.

On motion of Mr. Cooper,

Council Bill No. 238, entitled "An act to enable the trustees of colleges, universities, academies and other institutions, societies and companies, to become bodies corporate," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill considered engrossed and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Appleman,

House Bill No. 471, entitled "An act to incorporate the Wakarusa Bridge Company," was taken up and

Read a second time.

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Bassett introduced Bill No. 503, entitled "An act supplemental to an act to provide for the election of delegates to a convention to frame a State constitution."

Rule 49 was suspended, and

The bill read a second time.

Mr Cooper moved the previous question.

The call was sustained, and

The bill was read a third time and

Put upon its final passage.

The ayes and noes were called with the following result:

Ayes—Messrs. Appelman, Barry, Bassett, Columbia, Cooper, Danford, Hatterscheidt, Keller, Moore, McClure, Mitchell, Owens, Pennock, Reynard, Seymour, Still, Stewart, Zinn—18.

Noes—Messrs. Brock, Bennett, Elliott, of Leavenworth, Hanna, Jameson, Lockhart, Orr, Speer, Shannon and Stratton—10.

Ayes—18. Noes—10.

Total—28.

On motion of Mr. Keller,

The House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment.

Speaker *pro tem.* in the chair.

On motion of Mr. Moore,

Council Bill No. 91, entitled "An act to provide for the assessment and collection of taxes," was

Read a second time, and

On motion,

The rules were suspended and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Bassett, chairman of the special committee to whom was referred Council Bill No. 210, entitled "An act creating a new couny out of the limits of Leavenworth and Johnson counties," reported back the bill with the following amendments:

In section 2d, strike out all after "Wyandott," in the third line. In section 3d, after "1858," insert "for the location of the county seat."

Mr. Mitchell, chairman of the committee on Corporations and Banking, introduced Bill No. 503 1-2, entitled "An act for the relief of the Atchison Branch of the Kansas Valley Bank."

On motion,

The rules were suspended, and

The bill read a second time, and

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The ayes and noes were called. The following was the result:

Ayes—Messrs. Barry, Bassett, Bennett, Elliott, of Atchison, Elliott, of Leavenworth, Graham, Jameson, Jenkins, Keller, Lockhart, Moore, Mitchell, Miller, Owens, Orr, Shannon, Stewart, Stratton—18.

Noes—Messrs. Columbia and Seymour—2.

Ayes—18. Noes—2.

Total—20.

On motion,

Council Bill No. 241 was

Read a third time, and

Passed.

Wr. Wheeler, chairman of the select committeo to whom was referred Council Bill No. 177, "An act to authorize E. F. Gregory, and others, to build a bridge across the Little Arkansas River," reported as follows:

Your committee, to whom was referred Council Bill No. 177, having had the same under consideration, beg leave to report in favor of E. F. Gregory and company, the evidence in the case showing clearly that the idea of building the bridge originated with themselves; that they have acted in good faith in this whole matter, up to the present time; that they do not even know the rival parties desiring to obtain the charter from this body until several days after Crumbs and company had made their application; that they have borne no part in the evident duplicity connected with this matter; therefore, your committee move that the House recede from their amendment to Council Bill No. 177.

J. B. WHEELER,
G. H. KELLER,
A. ELLIOTT,
Committee.

Report of the committee was adopted.

Mr. Cooper introduced Bill No. 504, entitled "An act providing for an election for the location of counyt seats in the several counties of the Territory."

Mr. McClure moved that the sergeant-at-arms be required to retain printed copies of the acts in relation to the Constitutional Covention.

Carried.

On motion,

Council Bill No. 239, "An act supplemental to an act entitled 'An act to change the name of certain counties in Kansas Territory, and for other purposes,'" was taken up, and

On motion,

Was laid on the table.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House of Representatives that the Council have passed Council Bill No. 182, entitled "An act establishing certain banks in Kansas Territory," the Governor's objections to the contrary notwithstanding, and submit the same for your action, together with the veto message.

ASAPH ALLEN,
Feb. 11th. Ass't Clerk.

On motion,

Council Bill No. 246, entitled "An act temporarily locating the county seat of Johnson county," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Mr. Deitzler introduced Bill No. 505, entitled "An act defining the boundaries of Breckinridge county, and locating temporarily the seat of justice thereof."

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—Herewith I return, without approval, a bill entitled "An act supplemental to an act to remove and permanently locate the seat of Government," passed at the present session of the Legislative Assembly.

My objections to the subject matter of this bill have heretofore been expressed, when returning the bill to which this is supplemental. The bill is, therefore, returned to the House in which it originated.

Feb. 12, 1858. J. W. DENVER,
Acting Governor.

On motion of Mr. Curtis,

The bill was taken up, and the vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Barry, Bassett, Columbia, Curtis, Danford, Elliott, of Leavenworth, Hanna, Hatterscheidt, Jameson. Keller, Moore, McClure, Mitchell, Owens, Pennock, Shannon, Seymour, Still, Stewart, Zinn—20.

Noes—Messrs. Brock, Bennett, Graham, Miller, Orr, Speer Stratton—7.

Whole number of votes, twenty-seven.

Ayes—20. Noes—7.

The bill was passed.

Mr. Stratton moved to take up House Bill No. 480, entitled "An act to grant divorce to Anne E. Delange," and the vote by which it was passed be reconsidered.

Carried.

The bill was then put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Bassett, Brock, Columbia, Curtis, Danford, Elliott, of Atchison, Elliott, of Leavenworth, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Speer, Seymour, Still, Stewart, Stratton, Wheeler—23.

Noes—Messrs. Appelman, Barry, Bennett, Cooper, Miller Shannon and Zinn—7.

Whole number of votes, thirty.

Necessary to pass, twenty.

Ayes—23. Noes—7.

On motion of Mr. Pennock,

House Bill No. 441, entitled "An act granting a divorce to Mary B. Myers," was taken up, and the vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Appelman, Barry, Bassett, Brock, Columbia, Curtis, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Speer, Seymour, Still, Stewart, Stratton, Wheeler—25.

Noes—Messrs. Cooper, Miller and Shannon—3.

Whole number of votes, twenty-eight.

Nessary to pass, nineteen.

Ayes—25. Noes—3.

On motion of Mr. Moore,

House Bill No. 461, entitled "An act to grant a divorce to Susanna Layton," was taken up, and the vote by which it passed, was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding."

The ayes and noes were called, with the following result:

Ayes—Messrs. Barry, Bassett, Brock, Columbia, Curtis, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Mitchell, Owens, Pennock, Speer, Seymour, Stewart, Stratton, Wheeler—23.

Noes—Messrs. Appelman, Cooper, Miller and Shannon—4.

Whole number, twenty-seven.

Necessary to pass, eighteen.

Ayes—23. Noes—4.

Message from the Council:

MR. SPEAKER:—I am directed by the Council to inform the House that the Council has passed the following bills, and ask your immediate attention:

House Bill No. —, in relation to the Kansas Valley Bank.

House Bill No. 228, "An act to regulate the selection of Jurors."

House Bill No. 505, "An act supplemental to an act to elect Delegates to a Constitutional Convention."

ASAPH ALLEN,
Assistant Clerk.

Message from the Council:

MR. SPEAKER:—I am instructed by the Council to inform the House that the Council have passed bill to regulate the Militia of the Territory," over the Governor's objections.

Also, bill incorporating the Brick and Stone Dressing Manufactory," over the Governor's objections.

Also, "An act incorporating the Fort Gibson Railroad," passed over the Governor's objections.

ASAPH ALLEN,
Assistant Clerk.

On motion of Mr. Danford,

Council Bill No. 234, entitled "An act to incorporate the Shawmut Town Association," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill considered engrossed.

Passed to its third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to

On motion of Mr. Graham,

The vote by which House Bill No. 109, entitled "An act to authorize Ozias Bailey and Cornelius Dorland to keep a Ferry across the Missouri river at White Cloud, Doniphan county, Kansas Territory," was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, and resulted as follows:

Ayes—Messrs. Barry, Bassett, Brock, Columbia, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Pennock, Shannon, Speer, Still, Stewart, Stratton, Wheeler—24.

Noes—Mr. Zinn—1.

Whole number, twenty-five.

Necessary to pass, seventeen.

Ayes—24. Noes—1.

On motion of Mr. Lockhart,

House Bill No. 176, entitled "An act to authorize James Tooley to keep a Ferry across the Kansas river," was taken up, and

The vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barry, Bassett, Curtis, Columbia, Danford, Elliot, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Lockhart, Morrill, Moore, McClure, Owens, Pennock, Speer, Shannon, Stratton and Wheeler—21.

Noes—Messrs. Mitchell and Miller—2.

Whole number, twenty-three.

Necessary to pass, sixteen.

Ayes—21. Noes—2.

On motion of Mr. Moore,

Council Bill No. 91, entitled "An act to locate the Penitentiary," was taken up, and

Read the second time, and

On motion,

The rules were suspended and

The bill passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Speer,

House Bill No. 386, entitled "An act to authorize Douglas county to borrow money," was taken up, and

The bill was read a second time.

On motion,

The rules were suspended, and

The bill passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

Message from the Council:

MR. SPEAKER:—The Council instruct me to inform the House of Representatives, that they have passed bills, asking immediate attention:

Council Bill No. 150, "An act to provide for the payment of the expenses of the present and late extra session of the Legislative Assembly;"

Also, Joint Resolutions in relation to Commissioners to investigate Election Frauds;

House Bill supplemental to "An act to locate the Penitentiary."

G. A. COLTON,
Ass't Secretary.

Mr. Deitzler moved to consider concurrent resolutions from the Council, as follows:

Resolved, By the Council and House of Representatives, (the House of Representatives concurring,) That the Public Printer be authorized and required to print 10,000 copies of the act entitled "An act for Township organization;"

Also, "An act entitled 'An act organizing the Counties;' "

Also, a like number of the act entitled "An act to enable the Trustees of Colleges, Academies, Universities and other Institutions, Societies and Companies, to become bodies corporate;"

Also, a like number of an act entitled "An act to provide for the organization, supervision and maintenance of Common Schools, and an act supplemental thereto."

Said laws shall be printed and bound in one volume, in a style known as pamphlet-binding, within thirty days, and deposited with the Secretary of the Territory, who is hereby authorized and required to furnish, on application, each member of the present Legislative Assembly, with one hundred copies each, and to furnish each of the civil officers of the Territory of Kansas, with one copy, on application therefor.

Message from the Council:

MR. SPEAKER: — The Council have passed concurrent resolutions concerning public printing.

ASAPH ALLEN,
Ass't Clerk.

On motion of Mr. Stratton,

Council Bill No. 250, entitled "An act providing for payment of the expenses of the present and late extra session of the Legislative Assembly," was read a second time.

Mr. Mitchell moved to insert "two thousand dollars."

Mr. Stratton moved to amend, by inserting "three thousand dollars."

Mr. Elliott moved to insert "ten thousand dollars," which was

Carried.

Message from the Governor:

To the House of Representatives of the Legislative Assembly:

GENTLEMEN: — I have this day approved the following bills, viz:

"An act to incorporate and establish the city of Leavenworth."

An act entitled "An act to incorporate the town of Bloomington."

An act entitled "An act to provide for the opening, vacating and change of highways."

"An act to incorporate the Wayland University."

J. W. DENVER,
Feb. 12, 1858. Acting Governor.

To the House of Representatives of the Legislative Assembly:

GENTLEMEN: — I have this day approved of the following bills:

"An act regulating weights and measures."

"An act to incorporate the Sumner University."

"An act to incorporate the Ewing College."

"An act to incorporate the Wilmington Town Company."

"An act to incorporate the Moneka Town Company."

J. W. DENVER,
February 12, 1858. Acting Governor.

On motion of Mr. Moore,

House Bill No. 44, entitled "An act to incorporate the Dayton Town Company," was taken up, and

The vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barry, Brock, Columbia, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Owens, Pennock, Still, Stratton and Wheeler—19.

Noes—Messrs. Bassett, Stewart, Shannon and Zinn—4.

Whole number—23.

Necessary to pass—16.

Ayes—19; noes—4.

On motion of Mr. Hanna,

The vote by which House Bill No. 191, entitled "An act to incorporate the Sanfoxie Town Company," was taken up, and

The vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barry, Bennett, Bassett, Columbia, Cooper, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, Moore, McClure, Owens, Pennock, Still, Shannon and Wheeler—21.

Whole number—21.

Necessary to pass—14.

Ayes—21; noes—none.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—A bill entitled "An act to organize and regulate the militia of Kansas Territory" is herewith returned without approval.

After the failure to enact provisions similar to those contained in the bill before me, at the late Special Session of the Legislature, I had hoped that no similar attempt would have been made, by extraordinary provisions, to interfere with the power conferred by the Organic Act on the Executive of the Territory. The powerful argument made by my predecessor on this subject, is as applicable now as it was then. He said there was no necessity at the time "to demand a re-organization of the militia, and that he was deeply impressed with the importance of avoiding every thing which, at this critical juncture of affairs, might serve to irritate the minds of the people, and arouse apprehensions, such as might naturally be engendered by any military movement whatever."

These remarks reply with even more force now than they did then. The public mind, so long and so intensely excited, throughout the Territory is anxious for rest, and every act calculated to renew the excitement ought to be avoided. Peace reigns throughout the country now, and it is our duty to preserve it, if possible. If the people are allowed to pursue their various avocations quietly, for a short time, the influx of emigrants will soon make this one of the most flourishing portions of our wide spread Confederacy. Apprehending no danger from without, a re-organization of the militia at this time could serve no other purpose but to produce excitement and irritation at home. But beside the impolicy of such a measure, the bill itself contains provisions directly in conflict with the Organic Act. That Act confers on the Governor, certain powers of which he cannot be divested by the Legislative Assembly.

The 25th section provides that the Governor, for the first election, shall lay off the necessary districts, for members of the Council and House of Representatives, and all other officers, and "that all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided for by the Governor and Legislative Assembly of the Territory of Kansas." The Governor shall nominate, and by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for.

The officers in the Bill before me, are "not otherwise provided for," and yet, notwithstanding this plain provision of the Act, the Bill directs that the members of the Legislature shall elect them in joint session of the two Houses. The right to appoint such officers belongs to the Governor alone; and whenever he chooses to assert it, there is no power in the Territory can deprive him of that right.

The Bill endeavors to avoid the Organic Act in another particular. That Act declares that the Governor shall be Commander-in-Chief of the Militia of the Territory, and this Bill proposes to limit that authority to the simple privilege of calling out the militia for purposes of drill, or in aid of the civil authority. In all else, he is made subordinate to a "Military Board," who might, at any time, set his authority at defiance. This would, in fact, be setting up a military power in the Territory, independent of, and superior to the civil authority, which would be not only a violation of the Organic Act, but of the Constitution of the United States, which makes the military subordinate to the civil power. The term, "Commander-in-Chief" has a technical meaning, when read in connection with military forces, which is well understood ; and, as the law conferring that rank on the Governor is the permanent law of the Territory, there is no legislative power here that can deprive him of the command of the Militia, at all times and under all circumstances, whenever it may be necessary to call them out, and that, too, without the assistance of a Military Board. There are other serious objections to the Bill, which might be referred to, but the above is sufficient. The Bill is herewith returned to the House, in which it originated.

J. W. DENVER,
Acting Governor.

Feb. 12, 1858.

On motion of Mr. Stratton,

Resolved, By the House of Representatives, (the Council concurring,) That the House will meet the Council in joint convention, at nine o'clock P- M., in the hall of the House of Representatives, for the purpose of electing one Major General, eight Brigadier Generals, one Inspector General, one Quartermaster General, one Commissary General, one Surgeon General, one Adjutant General, one Auditor General and one Fiscal Agent, in accordance with an act entitled "An act to organize and regulate the Militia of the Territory of Kansas."

On motion of Mr. Pennock,

The vote was reconsidered by which House Bill No. 287, entitled "An act to incorporate the Waynesburg Town Company," was

Passed, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Bassett, Columbia, Cooper, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Lockhart, McClure, Mitchell, Pennock, Still, Shannon, Stratton and Wheeler—19.

Noes—Mr. Zinn—1.

Whole number—20.

Necessary to pass—14.

Ayes—19. Noes—1.

Message from the Council:

Mr. Speaker:—I have the honor to inform the House of Representatives of the concurrence of the Council in Joint Resolution, authorizing the Secretary of the Territory to correct clerical errors in laws passed by the Legislative Assembly.

BENJ. T. HUTCHINS,
Journal Clerk.

On motion of Mr. Moore,

The House adjourned until 8 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment.

Speaker in the chair.

Message from the Council:

Mr. Speaker:—I am instructed to inform the House of Representatives that the Council have passed the following bills:

House Bill No. 516, defining the boundaries of Breckinridge county."

Also, House Bill "Providing for an election to permanently locate county seats," &c., Doniphan and Atchison counties excepted.

J. K. GOODIN,
Secretary.

On motion,

House Bill entitled "An act to provide for an election to permanently locate the county seats of the several counties in the Territory," was taken up, and

The amendments of the Council concurred in.

On motion,

House Bill No. —, entitled "An act to incorporate the Palerme Railroad Bridge Company,,' was taken up, and

The vote by which it passed was reconsidered, and

Put upon its final passage, the objections of the Governor to the contrary notwithstanding.

Mr. Hanna moved that the bill be laid on the table.

Lost.

The ayes and noes being demanded, the following is the result:

Ayes—Messrs. Appelman, Barry, Brock, Bassett, Columbia, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, McClure, Orr, Pennock, Reynard, Speer, Still, Seymour, Shannon, Stratton and Wheeler—26.

Noes—Messrs. Bennet, Cooper, Mitchell, Owens and Zinn.—5.

Whole number of votes—31.

Necessary to pass—21.

Ayes—26. Noes—5.

The bill passed, and

The title adopted.

Message from the Council:

MR. SPEAKER:—The Council have passsed the bill chartering the Lawrence Hydraulic Water Works, over the Governor's objections.

ASAPH ALLEN,
Assistant Clerk.

On motion of Mr. Cooper,

Council Bill No. entitled "An act chartering the Lawrence Hydraulic Water Works," was taken up, and

The vote by which it was passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

Mr. Still called for the reading of the bill.

The bill was read, and

The ayes and noes were called, with the following result:

Ayes—none.

Noes—Messrs. Appelman, Barber, Brock, Bennett, Bassett, Curtis, Columbia, Cooper, Delong, Danford, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Seymour, Shannon, Stratton, Wheeler and Zinn—33.

Whole number, thirty-three.

Necessary to pass, twenty-four.

Ayes—none. Noes—33.

Mr. Hanna asked and obtained leave to introduce Bill No. 517, entitled "An act to authorize the Governor to approve laws after the adjournment of Legislative Assembly."

On motion,

Rule 49 was suspended and

The bill read a second time, and

On motion,

The rules were suspended,

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time, and

Put upon its final passage.

The question "Shall the bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Stratton, the following resolution was unanimously adopted:

Resolved, That the thanks of the members of the House of Representatives be extended to our honorable Speaker for the able, kind and courteous manner in which he has discharged the duties of his office during the present session.

On motion of Mr. Pennock,

House Bill No. —, entitled "An act to incorporate the Leavenworth Patent Brick and Stone Manafacturing Company," was taken up, and

The vote by which it was passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Curtis, Cooper, Columbia, Delong, Elliott, of Leavenworth, Elliott, of Atchison, Graham, Hatterscheidt, Jameson, Keller, Lockhart, Moore, McClure, Orr, Pennock, Reynard, Speer, Stratton, Wheeler and Mr. Speaker—20.

Noes—Messrs. Appelman, Barry, Brock, Bennett, Jenkins, Owens, Still, Seymour, Shannon and Zinn—10.

Whole number thirty.

Necessary to pass, twenty.

Ayes—20. Noes—10.

On motion of H. Miles Moore,

Resolved, That the thanks of this House are due and are hereby extended to C. F. Currier, for the faithful, efficient and prompt manner in which he has discharged the duties of chief clerk of this House.

Which was unanimously adopted.

On motion of Mr. Stratton,

Resolved, That the clerk be instructed to notify the Council that the House is now ready to meet in joint convention for the purpose of electing the Military Board.

Message from the Council:

MR. SPEAKER:—The Council have passed Council Bill, respiting public administrators, over the Governor's objections.

ASAPH ALLEN,
Assistant Clerk.

On motion of Mr. Moore,

House Bill No. 487, entitled "An act to provide revenue for the year 1858," was taken up, and

Read a second time, and

On motion,

The rules were suspended, and

The bill considered engrossed, and

Passed to a third reading.

The bill was read a third time and

Put upon its final passage.

The question "Shall the Bill pass?" was decided in the affirmative, and

The title agreed to.

On motion of Mr. Danford,

Resolved, That the sum of $100 be and the same is hereby appropriated to George W. Brown, of the Herald of *Freedom*. Also, Messrs. Allen and Thatcher, of the Lawrence *Republican*; Champion Vaughan, of the Leavenworth *Times*; P. B. Plumb, of the Kansas *News*; J. M. Walden, of the Quindaro *Chindowan*; William Austin of the Kansas *Leader*.

Mr. Hanna moved to amend by including all the papers that has been furnished to the members.

Carried.

Mr. Shannon moved to amend so as to read "so much be appropriated as will pay for the papers furnished."

Carried.

Message from the Council:

MR. SPEAKER:—The Council has passed the bill incorporating the Elden Town Company, over the Governor's objections.

ASAPH ALLEN,
Assistant Clerk.

On motion,

Bill No. —, entitled "An act to incorporate the Elden Town Company," was taken up, and

The vote by which it was passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Bassett, Curtis, Elliott, of Atchison, Hanna, Hatterscheidt, Keller, Lockhart, Pennock, Still, Stratton and Wheeler—11.

Moes—Messrs. Appelman, Barry, Bennett, Columbia, Danford, Jenkins, McClure, Mitchell, Owens, Seymour, Stewart, Shannon and Zinn—13.

Whole number, twenty-four.

Necessary to pass, sixteen.

Ayes—11. Noes—13.

On motion of Mr. Orr,

House Bill No. 298, entitled "An act to incorporate the Patent Brick and Stone Manufacturing Company," was taken up, and

The vote by which it passed was reconsidered, and

The bill put upon its final passage, the objections of the Governor to the contrary notwithstanding.

The ayes and noes were called, with the following result:

Ayes—Messrs. Barry, Bassett, Curtis, Elliott, of Leavenworth, Elliott, of Atchison, Hanna, Hatterscheidt, Jenkins, Keller, Lockhart, Orr, Pennock, Reynard, Speer, Still, Stewart, Stratton and Wheeler—18.

Noes—Messrs. Appelman, Bennett, Mitchell, Owens, Seymour, Shannon and Zinn—7.

Whole number of votes, twenty-five.

Necessary to pass, seventeen.

Ayes—18. Noes—7.

On motion of H. Miles Moore,

Resolved, That the thanks of this House are hereby tendered to William B. Parsons, Esq., assistant clerk; G. W. McLaughlin, journal clerk, and their assistants; G. F. Warren, Esq., and the other officers of this House, for the promptness and efficiency with which they have discharged their respective duties.

Carried.

On motion of Mr. Lockhart,

Resolved, That the superintendent of public printing, with the chief and assistant clerks of the House of Representatives, be authorized to examine and correct the journal of the 12th of February, A. D. 1858.

Carried.

The hour having arrived, as fixed by the concurrent resolution of the two Houses, the Council was conducted into the hall of the House by the sergeant-at-arms, and the President of the Council took the chair, and announced the joint session organized, having been called for the purpose of electing the officers under the militia law, for the organization of the militia.

Nominations being in order,

Mr. Mitchell nominated, for Major General, Gen. James H. Lane.

For Brigardier Generals, J. G. Losee, S. V. Jameson, G. S. Hillyer, Asa Hall, S. Y. Cleveland, Samuel Walker, E. McDaniels and John H. Whistler.

For Inspector General, J. F. Hill, of Topeka.

For Quarter-Master General, S. W. Eldridge, of Lawrence.

For Adjutant General, Charles Chadwick, of Quindaro.

For Surgeon General, S. B. Prentiss, of Lawrence.

For Commissary General, H. Hensall, of Doniphan.

The nominations were here closed, and the convention now proceeded to the election of the several officers named, and the following was the result.

James H. Lane, Major General.

J. G. Losee, S. V. Jameson, G. S. Hillyer, Asa Hall, L. G. Cleveland, Samuel Walker, C. M. McDaniel and John H. Whistler, Brigadier Generals.

J. F. Hill, Inspector General.

S. W. Eldridge, Quartermaster General.

Charles Chadwick, Adjutant General.

S. B. Prentiss, Surgeon General.

H. Hensall, Commissary General.

The above officers, having received forty-nine votes each, it being a majority of all the votes given, they were declared duly elected.

On motion,

The convention adjourned *sine die.*

On motion,

The House went into Committeee of the Whole to consider the report of Mr. Elliott, of Leavenworth, chairman of the committee on Accounts.

Mr. Moore in the chair.

The committee arose, and, through the chairman, reported, and recommended the adoption of the report, with sundry amendments.

The House, on motion, adopted the report.

Report of Mr. McClure:

Resolved, That the Secretary of the Treasury be instructed to pay the following sums to the persons herein named, out of any money which may be placed in his hands, for the payment of the contingent expenses of the Legislative Assembly:

To H. R. Whiting, for forty days and nights service as Enrolling Clerk—$200.00.

To Guilford Dudley, for forty days and nights service as Engrossing Clerk—$200.00.

To G. W. McLaughlin, for thirty days and nights service as Journal Clerk—$192.00.

To E. D. Thompson, for sixteen days and nights service as second Assistant Clerk—$80.00.

To the following persons as assistant Enrolling Clerks:

E. P. Marion, ten dollars; W. A. Shroyer, ten dollars; James W. Park, sixteen dollars; John Easter, fifteen dollars; William Blackford, ten dollars; James Martin, fifteen dollars; Jacob Sumpstein, seventy dollars; L. S. Bacon, thirty-eight dollars; John H. Parker, fifteen dollars; Wm. A. Snow, forty dollars; Samuel J. Christy, sixteen dollars; Wm. J. King, twenty dollars; J. B. Spencer, twenty dollars; A. W. Dickenson, fifteen dollars; A. Z. Shelden, twenty dollars; C. A. Gould, five dollars; B. L. Kingsbury, forty-five dollars; T. J. Sternberg, forty-five dollars; M. B. Kehoe, twenty-eight dollars; James Crowfoot, thirty-eight dollars; John Packering, ten dollars; Jacob Faucett, eight dollars; H. M. Hewett, five dollars; E. L. Smith, five dollars; S. C. Russell, one hundred and forty dollars; E. W. Gleason, five dollars.

To William Butler, for forty days and nights service as assistant Doorkeeper—$200.00.

To Robert Speer, for forty days and nights service as Messenger—$200.00.

To Rev. Charles H. Lovejoy, for forty days service as Chaplain—$160.00.

To G. F. Warren, for extra service as sergeant-at-arms—$160.00.

To W. B. Parsons, for extra service as assistant Clerk—$160.00.

To C. F. Currier, for completing and recording the journals of the present and called sessions—$1,000.00.

To A. Elliott, for expenses in contesting the seat of W. P. Badger, and fifteen days per diem—$75.00.

To B. S. Bassett, for services as deputy sergeant-at-arms, in going to Marshall county and obtaining evidence in the contested case of Miller and Blackburn—$125.00.

To A. J. Miller, for service as clerk of the Judiciary Committee—$25.00.

On motion,

Resolved, That, if the Secretary of the Territory shall not pay the appropriations herein made, or any part thereof, then the same or so much thereof as shall not be paid by the Secretary of the Territory shall be paid out of any money in the Treasury of the Territory not otherwise appropriated.

Message from the Governor:

To the House of Representatives:

GENTLEMEN:—I have this day approved of the following bills:

"An act to establish and charter a ferry across the Missouri river at the city of Palermo;"

"An act to incorporate the Buffalo Town Company;"

"An act to incorporate the Kansas Telegraph Company;"

"An act to exempt certain property from execution and attachment;"

"An act to establish a code of criminal procedure."

Feb. 12, 1858. J. W. DENVER,
Acting Governor.

I have also approved the Bill granting relief to the Branch of the Kansas Valley Bank, at Atchison.

J. W. DENVER,
Acting Governor.

To the House of Representatives:

GENTLEMEN:—I have this day approved the following Bills:

"An act establishing the office of County Auditor, and defining the duties thereof;"

"An act to incorporate the Wyandott City Bridge Company;"

"An act relative to the disposition of unclaimed property."

"An act to incorporate the White Cloud Insurance Company."

"An act to incorporate the city of Atchison."

Respectfully, J. W. DENVER,
Feb. 12, 1858. Acting Governor.

To the House of Representatives of the Legislative Assembly, Kansas Territory:

GENTLEMEN:—I have this day approved the following bills, viz.:

"An act to incorporate the Baker University."

"An act to incorporate the Holton Seminary Association."

"An act to incorporate the Wilmington Seminary."

"An act regulating the fees of officers."

"An act to establish a code of civil proceedings."

"An act providing for the location of certain county seats."

"An act to provide for an election for location of county seats."

"An act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil cases."

"An act to incorporate the Leavenworth City, Hamlin and Nebraska Company."

"An act to incorporate the Leavenworth City, Delaware and City of Lawrence Railroad Company."

"An act to incorporate the Kansas Central Railroad Company."

"An act making appropriations for the expenses of the Territory of Kansas, for the year 1858.

"An act to provide revenue for the year 1858."

J. W. DENVER,
Feb. 12, 1858. Acting Governor.

Also. "An act to authorize the county of Douglas to borrow money."

Also, "An act establishing the office of County Treasurer, and prescribing the duties thereof.

"An act entitled 'An act to regulate the selection of jurors, and the empanneling of juries in probate courts."

J. W. DENVER,
February 12, 1858. Acting Governor.

To the House of Representatives of the Legislative Assembly:

Gentlemen :—I have this day approved the following bills:

"An act to incorporate the Pardee Seminary."

"An act relative to the county commissioners of the several counties forwarding election returns."

"An act to construe certain statutes."

"An act to suppress gaming."

"An act for the protection of Territorial land."

"An act regulating oaths, and prescribing the forms of oaths of office."

"An act supplemental to 'An act locating the Penitentiary.'"

"An act to prevent nuisances."

"An act to provide for the organization, supervision and maintenance of Common Schools."

"An act to provide for contested elections."

J. W. DENVER,
Feb. 12, 1858. Acting Governor.

Concurrent Resolutions, providing for the printing of the laws and journals:

Resolved, By the Council and House of Representatives, (the House of Representatives concurring,) That the superintendent of public printing be authorized and required to have collected, properly noted, indexed, and accurately transcribed, all the laws, joint and concurrent resolutions passed at the present session of the Legislative Assembly, and also the journals of both Houses of the Legislative Assembly, and to furnish W. W. Ross, the public printer, with certified copies thereof, on or before the fifteenth day of March next. And the said public printer is authorized and required to print three thousand copies of all said laws of a general character, and bind the same with laws of a like character passed at the extra session, in December last, in one volume, and in a style called law binding; and one thousand laws of a local character, with the resolution above specified, in one volume, and in a style known as half binding; and one thousand copies of the journals of each branch of the Legislative Assembly, in separate volumes, and in a style known as half binding. The said resolutions and journals shall be printed and deposited with the Secretary of the Territory on or before the fifteenth day of June next. Said laws and journals shall be distributed by the Secretary of the Territory, for the use of the officers of the Territory.

Adopted.

Mr. Speer offered the following concurrent resolution:

WHEREAS, The following bills have been within the possession of the Governor for more than three days, viz:

"An act to provide for the election of delegates to a convention to frame a State Constitution."

"An act creating the counties of Osceola and Kaw, and defining their boundaries;" therefore,

Resolved, That the President of the Council and Speaker of the House be empowered and instructed to certify the fact on each of said bills, and that the superintendent of public printing be instructed to publish said acts with the laws, properly certified, and that they are hereby declared laws of Kansas Territory.

The ayes and noes were called, with the following result:

Ayes—Messrs. Appelman, Barry, Brock, Bassett, Curtis, Columbia, Cooper, Danford, Elliott, of Leavenworth Hanna, Hatterscheidt, Jameson, Jenkins, Keller, Lockhart, Morrill, Moore, McClure, Mitchell, Owens, Orr, Pennock, Reynard, Speer, Still, Stewart, Shannon, Stratton, Wheeler, Zinn and Mr. Speaker—31.

Every member present voting in the affirmative.

Mr. Hanna offered the following concurrent resolution, which was adopted, and Council notified:

Resolved, By the House of Representatives, (the Council concurring,) That we do hereby, for the *last time*, solemnly protest against the admission of Kansas into the Union under the Lecompton Constitution.

That we hurl back, with scorn, the libellous charge contained in the President's Message, accompanying the Lecompton Constitution to Congress, to the effect that the freemen of Kansas are a "lawless people."

That, relying upon the justice of our cause, we do hereby, in behalf of the people we represent, solemnly pledge to each other, to our friends in Congress and in the States, our lives, our fortunes and sacred honor, to resist the Lecompton Constitution and government, by the force of arms, if necessary.

That, in this perilous hour of our history, we appeal to the civilized world for the rectitude of our position, and call upon the friends of freedom everywhere to array themselves against this last act of oppression in the Kansas drama.

Resolved, That the Governor be requested to immediately transmit certified copies of these resolutions to the President of the United States, Speaker of the House of Representatives and President of the Senate, and to our Delegate in Congress, and that the same be presented to the Congress of the United States.

Message from the Council:

Mr. Speaker:—I am directed by the Council to inform the House of the passage of the following Concurrent Resolution:

Whereas, The following bill has been within the possession of the Governor for more than three days, viz.: "An act to change the name of certain counties therein named, and for other other purposes;" therefore,

Be it Resolved, That the President of the Council and Speaker of the House of Representatives, (the House concurring,) be empowered and instructed to certify the fact on said bill, and that the Superintendent of Public Printing be instructed to publish said act with the laws, properly certified, and that they are hereby declared laws of Kansas Territory.

ASAPH ALLEN,
Ass't Clerk.

On motion of Mr. Cooper,

A committee of two, on the part of the House, and one on the part of the Council, was appointed to wait on the Acting Governor, and notify him that the House was nearly ready to adjourn, and ask him if has any communication to make.

The Speaker appointed Messrs. Cooper and Mitchell, said committee.

On leave of the House, Mr. Jameson introduced a bill to repeal an act entitled "An act establishing certain banks in Kansas Territory."

Mr. Cooper, chairman of the committee to wait upon the Governor, reported that his honor had no further communication to make.

Mr. Barber, chairman of the committee on Ways and Means, reported back to the House the following communication from the Comptroller of the Treasury, for the purpose of having it spread upon the journal.

COMPTROLLERS OFFICE, Lecompton,
December 31, 1857

To the Legislative Assembly of the Territory of Kansas:

In accordance with the provisions of law, I have the honor herewith to submit my annual report of the financial condition of the Treasury for the fiscal year ending December 31st, 1857.

Upon receiving the appointment of Comptroller of the Treasury, it was made my duty to make a settlement with the former incumbent of this office, but circumstances beyond my control, prevented my so doing, as the said incumbent absented himself from the Territory. Owing to this circumstance, I requested of the Governor, that he would appoint a committee to make the proper settlement, examine the books of the Auditor and vouchers, and make the necessary entries. My request was not complied with, and no settlement has been made. As I did not feel authorized to go behind his balance, I have reported it as per account rendered. This balance against the Territory includes sundry cost bills in criminal cases, when the Territory was a party, and the defendant acquitted, or convicted and unable to pay, and also a part of the costs of the Territorial road from Fort Scott to Fort Atchison, to which your attention is respectfully called.

The expenditures and resources of the Territory, up to March 1st, 1857 (Auditor's term) as per exhibit "A," transmitted herewith, show an indebtedness of seven thousand one hundred and fifty dollars and ninety-four cents, but the actual indebtedness of the Territory, after deducting amount credited to sundry counties, but not paid into the Treasury, was nine thousand nine hundred and fifty-four dollars and eighty-eight cents—that is to say, the whole amount of expenditures of the Territory up to March 1st, 1857, was eleven thousand seven hundred and sixty-six dollars and seventy-six cents. The amount of cash actually paid to the Treasurer, was one thousand eight hundred and eleven dollars and eighty-eight cents; leaving a balance, as above stated, of actual indebtedness of nine thousand nine hundred and fifty-four dollars and eighty-eight cents at that date.

The late Auditor of Public Accounts kept no account with the Treasury, and consequently was no check upon that Office. Upon examination of his report, made to the Legislature of 1857, I find that the balance against the Territory did not include the warrants outstanding, thereby making a gross error in its favor of $3,372.39 and making the actual indebtedness of the Territory, on the 1st day of January 1857 (the date of the report referred to) $7,482.51 instead of $4,039.92, as by him reported. I have before remarked that no settlement was had with that officer, but finding it absolutely necessary for the proper continuance of this office, I have closed the accounts upon the books, taking as a basis for entries the vouchers and records, as delivered to me by my predecessor, at the expiration of his term of office.

The transactions are specifically given in exhibit "A."

For a statement of the condition of the revenue and amount of Expenditures of the Territory, including all transactions to the 31st of December, 1857, I respectfully refer you to accompanying exhibit "B," from which you will see an excess of liabilities amounting to the sum of $6,930.46. This includes the excess of liabilities shown by balance of late Auditor, as shown by exhibit "A." From this it will be percoived, that the liabilities of the Territory during my term of office have been reduced $220.48.

Exhibit "C" shows the whole amount paid into the Treasury to December 31st 1857, to have been $5,051.36, and the amount of warrants issued upon the Treasury to the same date $16,815.95, leaving a balance of warrants outstanding or unpaid of $11,764.39. The balance due from sundry counties on account of taxes, as will be seen by reference to exhibit "D," is $11,915.60. I would recommend the passage of a law for the speedy collection of the same. In some cases the taxes have been partially collected, but held in the hand of the collectors. The Boards of County Commissioners have, in nearly all the counties, failed to keep this office advised of the settlement of the collectors, neither have the tax-books, or abstracts thereof, been regularly filed with with the bonds of the collectors, as required by law, all of which is necessary to enable the Comptroller to comply with the provisions of the statutes regulating his office.

Exhibit "E" shows the actual indebtedness of the Territory on all accounts, up to this date, to be $19,530.27. This includes sundry accounts, such as "cost bills" in criminal cases, when the Territory was a party, embracing fees of District Attorney, District Clerks, County Clerks, and charges for making out poll-books, returning election returns to the Seat of Government, and incidental expenses reported specially.

For the amount of appropriations made by law for sundry objects, the amount paid in pursuance of the same, and the balance unexpended, I refer you to exhibit "E." It will be seen upon examination of this statememt, that I have not exceeded the appropriations in any case.

Upon examination of exhibit "B" the assessments of the different counties are found to be very small, and only nine out of thirty-seven have reported to this office the assessments of 1857, or shown any disposition to contribute their proportion towards supporting the Government, lessening the public debt, thereby maintaining the faith and credit, and advancing the general interests of the Territory.

The incompleteness of the assessments was caused, obviously, by the disturbed condition of the Territory and the resistance, in many parts of the country, to the due execution of the laws.

Believing this to be the case, I see no necessity of augmenting the rate of taxation, but to provide for a more complete assessment, it being much more equitable for all to pay a small tax, than for a few to pay exorbitant ones, on partial and incomplete assessments. In order to secure this end, I would recommend that property holders be required to fill up a schedule (to be furnished to them by the assessors,) of all their property, value thereof, and swear and subscribe, before the Assessor, who should have power to administer oaths in such cases. Should this be done, I entertain no doubt that, under the happy auspices of peace, at the present rate of taxation, a sufficient revenue will be received to meet the necessary expenditures of the Government.

Owing to the incompleteness of the returns of the assessments, I am unable to show the aggregate amount of each object of taxation, as there is no uniformity observed by the County Clerks in making out tax rolls; I would therefore recommend that a suitable form of tax roll be prescribed by law, by which all objects of taxation and the sources of revenue may be exhibited; as it is a knowledge of these statistical facts that will enable us to judge of the future prosperity, or determine the progress, present wealth and resources of the Territory.

In order to render the Territorial Library available for the purpose for which it was intended, and for the proper care of the same, I have found it necessary to incur certain expenses for the payment of which there is no appropriation by law. These expenses consist of amounts paid for storage of books, transportation of same from Kansas City to Seat of Government, shelving cases for Library, and incidental expenses of the Library room, in all $163.10, which amount I have paid out of my own private funds, for the reimbursement of which I respectfully ask an appropriation of the last mentioned sum.

I also recommend an appropriation to pay John S. Pigott for book of warrants or checks for Comptroller, and for 2,000 morocco labels for Library, amounting to $262.50, and an appropriation of $12 to *Union* office in payment for paper labels furnished the Librarian. The labels above specified, were bought with the approbation of the Secretary, at the time believing there remained a sufficient balance in the United States fund to liquidate the same. Their use was necessary in order to distinguish the Library books from those of individuals, thus enabling the custodian to reclaim them; also with a view to their proper classification and arrangement for the convenience of those having occasion to use them.

I also recommend some measure for the liquidation of the adjusted claims standing against the Territory, as shown by exhibit "E."

All of which is respectfully submitted.

H. J. STRICKLER,
Comptroller.

EXHIBIT A.

1857.	Kansas Territory,	Dr.
Jan. 1.	To balance from old account, ...	$4,039 73
Feb. 29.	" Warrants drawn previous to January 1, 1857,	3,372 59
"	H. J. Strickler's salary as Adjutant General,	187 50
"	H. C. Grover, under special resolution, .	15 00
"	B. P. Campbell, fees, ...	146 20
"	B. T. Hill, returning poll books, ...	12 81
"	W. L. Kenkendall, ...	23 90
"	Washington Bateman, Fort Atchison road, .	178 00
"	H. W. Spratt, assessing Bourbon county, . .	45 50
"	James Dutol, assessing Linn county, . . .	9 00
"	P. T. Glover, returning poll books Linn county, .	10 00
"	J. W. Smith, assessment Brown and Doniphan, .	61 50
"	James McGhee, asst., ...	4 00
"	John Donaldson, salary and office rent, . .	250 00
"	H. Sebo, returning poll books, ...	3 55
"	B. F. Brantley, Enrolling Clerk, ...	160 00
"	C. B. Houston, Enrolling Clerk, ...	160 00
"	Ira Norris, Clerk to Board County Com., Atchison co.,	43 40
"	P. Fleischman, assessing Calhoun county, .	19 80
"	James Gent, Fort Atchison road, . .	178 00
"	T. J. B. Crane, salary as Treasurer, . . .	275 00
"	Sundry claims adjusted, but not funded, .	851 86
	Total, . . .	$10,102 97

1857.	KANSAS TERRITORY,			CR.
Feb. 29.	By assessment Leavenworth	county,	taxes 1856,	$1,514 27
"	" Linn	"	"	286 00
"	" Atchison	"	"	660 68
"	" Bourbon	"	"	309 33
"	" Calhoun	"	"	181 75
"	Balance,			7,150 94
				$10,102 97

EXHIBIT B.

Expenditures and resources for the fiscal year, ending December 31, 1857, (*General account.*)

1857.	KANSAS TERRITORY,	DR.
March 1.	To balance as per exhibit A,	$7,150 94
Dec. 31.	" Expenses of Constitutional Convention,	6,508 30
"	Legislative expenses,	1,334 75
"	Expenses of Judiciary,	276 00
"	" Collecting revenue,	689 05
"	" Auditing of claims (special,)	797 50
"	Incidental and contingent expenses,	356 15
"	Hiram J. Strickler, salary and rent of office,	750 83
"	Thomas J. B. Cramer, do. do.	717 49
"	John T. Pigett, (books and stationery,)	262 50
"	Appropriation for purchase of Safe,	75 00
		$18,918 51

1857.	KANSAS TERRITORY,			CR.
Dec. 31.	By Atchison county	Territorial tax,	1857,	$920 95
"	Bourbon	do.	do.	364 52
"	Brown	do.	1856,	359 09
"	Calhoun	do.	1857,	307 35
"	Doniphan	do.	1856,	775 87
"	do.	do.	1857,	1,155 54
"	Douglas	do.	do.	1,340 62
"	Leavenworth	do.	do.	6,620 36
"	Johnson	do.	do.	144 55
"	Balance, (excess of liabilities,)			5,930 46
				$18,918 51

H. J. STRICKLER, Comptroller.

COMPTROLLER'S OFFICE, Lecompton, K. T.,
December 31, 1857.

EXHIBIT C.

Showing condition of the Territorial Treasury, Dec. 31, 1857, including all old transactions previous to Jan. 1, 1857.

1856.	TREASURER OF THE TERRITORY OF KANSAS,	DR.
Nov. 21.	To Atchison county taxes, 1855,	205 [illegible]
"	Doniphan do. 1855,	187 [illegible]
"	Douglas do. do.	245 5[illegible]
"	Johnson do. do.	179 [illegible]
"	Leavenworth do. do.	994 60
Jan. 12, 1857.	do. do. 1856,	232 5[illegible]
June 11. "	Doniphan do. do.	495 60
Dec. 31. "	Atchison do. 1856 and 1857,	293 53
"	Bourbon do. 1855,	229 00
"	Leavenworth do. 1856 and 1857,	1,153 70
"	do. do. do.	625 00
"	Lykins do. do.	210 00
"	Balance, (Warrants outstanding,)	11,764 59
		$16,815 95
1857.	TREASURER OF THE TERRITORY OF KANSAS,	CR.
Dec. 31.	By amount of Warrants on Treasury, to date,	$16,815 95

H. J. STRICKLER, Comptroller.

COMPTROLLER'S OFFICE, Lecompton, K. T.,
December 31, 1857.

EXHIBIT D.

Statement showing balance due from sundry counties, on account of taxes assessed for previous years, and credited to the Territory on general account, as per exhibit B.

Dec. 31, 1857.	Doniphan,	1,434 9[illegible]
"	Calhoun,	489 [illegible]
"	Bourbon,	444 85
"	Atchison,	1,288 10
"	Linn,	286 00
"	Leavenworth,	6,123 3[illegible]
"	Brown,	359 [illegible]
"	Douglas,	1,345 62
"	Johnson,	144 59
		$11,915 60

H. J. STRICKLER, Comptroller.

COMPTROLLER'S OFFICE, Lecompton, K., T.,
December 31, 1857.

EXHIBIT E.

Showing the indebtedness of the Territory, on all accounts, Dec. 31st, after deducting amount credited sundry counties, but not paid as per exhibit D.

1857.	TERRITORY OF KANSAS.	
Dec. 31.	To indebtedness March 1, 1857, exclusive of $2,703 94 credited to sundry counties, but not paid.	$9,954 88
	Balance Warrants outstanding, drawn since March 1, 1857,	8,364 99
	Balance due sundry accounts, Warrants not drawn,	436 10
	Claims adjusted during the fiscal year, but Warrants not drawn,	776 30
	Total indebtedness,	$19,530 27

H. J. STRICKLER, Comptroller.

COMPTROLLER'S OFFICE, Lecompton, K. T.,
December 31, 1858.

EXHIBIT F.

Showing the amount of appropriations made by law for sundry objects, the amount paid in pursuance of same, and the balance unexpended.

Object of Appropriation.	Amount.	Am't Exp.	Balance.
1856.—Rent of Treasurer's Office,	$100 00	$100 00	
St. Louis Republican Office, for Books,	94 61	88 25	$6 36
Safe for Treasurer,	75 00	75 00	
Serv. of chief & ass't cl'ks—H.R & Adj.Gen.	950 00	262 50	687 50
1857—Salary of Territorial Treasurer,	1,000 00	620 00	280 00
Rent of Treasurer's Office,	100 00	100 00	
Salary of Comptroller,	1,000 00	501 10	498 90
Rent of Comptroller's Office,	100 00	84 17	15 83
Salary of Librarian,	100 00	84 17	15 83
Rent of Library room,	100 00	84 17	15 83
Enrolling and Engrossing Clerk, (Council,)	320 00	320 00	
do. do. (House,)	480 00	476 00	4 00
Compensation, Ass'rs and Coll'rs Revenue,	5,000 00	451 54	4,568 46
" Adj. and Inspector Generals,	300 00	290 00	10 00
Constitutional Convention,	10,000 00	6,508 00	3,492 00
Contingent expenses,	1,500 00	1,263 55	236 45
Auditing of claims, (special,)	1,200 00	797 50	402 45
Delivery of Laws,	250 00	12 50	237 50

H. J. STRICKLER, Comptroller.

COMPTROLLER'S OFFICE, Lecompton, K. T.,
December 31, 1857.

On motion of Mr. Morrill,

Resolved, That the Speaker *pro tem.* (Mr. Hanna,) is entitled to our thanks for the able, dignified and impartial manner in which he has discharged the duties of his office.

Which was unanimously adopted.

Message from the Council:

Mr. Speaker—I am instructed by the Council to inform the House of the following resolution:

LB Ap '04

Resolved, By the Council and House of Representatives, (the House concurring,) that Messrs. John Speer, G. W. Deitzler, R. B. Mitchell, Lyman Allen and O. E. Learnard be, and they are hereby, authorised to settle with Messrs. Babcock and Lykins for the rent of the building used as halls for the Legislature, and committee rooms and transcribing rooms, and that the award shall be paid under the provisions of any law of Congress, or of the Legislative Assembly providing for the expenses of the Legislature of Kansas, and that said committee shall report to the Governor and the Speakers of the two Houses of the Territorial Legislature.

BENJ. T. HUTCHINS,
Journal Clerk.

Which resolution was, on motion, adopted.

On motion

Adjourned *sine die*.

G. W. DEITZLER,
Speaker of the House of Representatives.

C. F. CURRIER,
Chief Clerk.